

**City of Port Colborne
Council Meeting Agenda**

Date: Tuesday, November 14, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Pages

1. Call to Order
2. National Anthem
3. Land Acknowledgment
4. Proclamations
5. Adoption of Agenda
6. Disclosures of Interest
7. Approval of Minutes
 - 7.1 Regular Meeting of Council - October 24, 2023 1
8. Staff Reports
 - 8.1 Request for Fence Variance - 57 Renfield Street, 2023-225 11
 - 8.2 Recommendation Report for Official Plan and Zoning By-law Amendment – Port Colborne Quarries Pit 3 Expansion – Files: D09-02-21 & D14-09-21, 2023-229 29
 - 8.3 Request for Parkland Dedication Reduction, 2023-235 709
 - 8.4 Stop and Close By-law – Laneway between Jefferson Avenue and Homewood Avenue, 2023-210 713
 - 8.5 Annual Lighted Santa Claus Parade, 2023-202 719
 - 8.6 Delegation of Powers and Duties, 2023-201 725

9. Correspondence Items

9.1	Niagara Region - Areas of Strategic Focus for Shared Services	747
9.2	Niagara Transit Commission - OnDemand Service Statistics (Jan-Aug 2023)	761
9.3	Niagara Transit Commission - 2024 Proposed Operating and Capital Budget Submission and Requisition - Niagara Transit Commission	772
9.4	Town of Aurora - Cannabis Retail Applications for the Town of Aurora	795
9.5	Township of Terrace Bay in Support of the Township of Aurora regarding Council Opposition to Strong Mayor Powers in Aurora	799
9.6	Town of Plympton-Wyoming in Support of the Township of McKellar regarding Call for an Amendment to the Legislation Act, 2006 to Include Digital Publications as Acceptable means of Publication	800
9.7	Municipality of Wawa - Water Treatment Training Resolution	803

10. Presentations

10.1	Christine Clark Lafleur, Chief Executive Officer, Port Cares- Update on the Chestnut Street Affordable Housing project	805
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11. Delegations

In order to speak at a Council meeting, individuals must register no later than 12 noon on the date of the scheduled meeting. To register, complete the online application at www.portcolborne.ca/delegation, email deputyclerk@portcolborne.ca or phone 905-835-2900, ext. 115.

12. Mayor's Report

13. Regional Councillor's Report

14. Staff Remarks

15. Councillors' Remarks

16. Consideration of Items Requiring Separate Discussion

17. Motions

18. Notice of Motions

19. Minutes of Boards & Committees

- | | | |
|------|-----------------------------------------------------------------------|-----|
| 19.1 | Environmental Advisory Committee Meeting Minutes - September 13, 2023 | 812 |
| 19.2 | Heritage Advisory Subcommittee Meeting Minutes, September 18, 2023 | 815 |

20. By-laws

- | | | |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 20.1 | By-law to Adopt Amendment no. 13 to the Official Plan for the City of Port Colborne | 817 |
| 20.2 | By-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lots 17, 18 and 19, Concession 2, formerly in the Geographic Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara | 829 |
| 20.3 | By-law to Stop Up and Close for the laneway between Jefferson Avenue and Homewood Avenue | 831 |
| 20.4 | By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne | 833 |

21. Procedural Motions

22. Information items

23. Adjournment

City of Port Colborne
Council Meeting Minutes

Date: Tuesday, October 24, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Aquilina, Councillor
M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor
W. Steele, Mayor (presiding officer)

Staff Present: S. Tufail, Acting City Clerk
B. Boles, Director of Corporate Services/Treasurer
S. Lawson, Fire Chief
S. Luey, Chief Administrative Officer
S. Shypowskyj, Director of Public Works
D. Vasu, Acting Deputy Clerk (minutes)

1. Call to Order

Mayor Steele called the meeting to order at 6:36 p.m.

2. National Anthem

3. Land Acknowledgment

Councillor Elliott recited the Land Acknowledgement.

4. Proclamations

4.1 Canadian Federation of University Women Request Proclamation for International Day for the Elimination of Violence Against Women, November 25, 2023 and the Lighting of the Cupola at City Hall

Moved by Councillor M. Aquilina

Seconded by Councillor R. Bodner

That November 25, 2023, be proclaimed as "International Day for the Elimination of Violence Against Women"; and

That the Cupola at City Hall be lit up on November 25, 2023, to honour International Day for the Elimination of Violence Against Women.

Carried

5. Adoption of Agenda

Moved by Councillor R. Bodner

Seconded by Councillor T. Hoyle

That the agenda dated October 24, 2023, be confirmed, as amended.

Carried

6. Disclosures of Interest

7. Approval of Minutes

Moved by Councillor F. Danch

Seconded by Councillor D. Elliott

That items 7.1 and 7.4 be approved, as presented.

Carried

7.1 Special Council Meeting (Closed Session) - August 15, 2023

7.2 Regular Meeting of Council - October 10, 2023

7.3 Special Joint Council Meeting with the Township of Wainfleet - October 16, 2023

7.4 Committee of the Whole - Budget - October 18, 2023

8. Recommendations Arising from Boards and Committees

8.1 2024 Operating (Levy) Budget, 2023-161

Moved by Councillor G. Bruno
Seconded by Councillor M. Bagu

That the Corporate Service Department, Financial Services Division,
Report No. 2023-161 Subject: 2024 Operating (Levy) Budget, **BE
RECEIVED**; and

That the working capital reserve be funded, up to the Reserve Fund policy
target, as outlined in Report No. 2023-161; and

That the 2024 Operating (Levy) Budget as outlined in Report 2023-161,
BE APPROVED.

Carried

**a. Memorandum from Director of Corporate Services/Treasurer-
2024 Operating (Levy) Budget**

8.2 2024 Proposed User Fees and Charges, 2023-162

Moved by Councillor G. Bruno
Seconded by Councillor E. Beaugard

That Corporate Services Department Report 2023-162 **BE RECEIVED**;

That the 2024 Proposed User Fees and Charges schedules attached as
Appendices A to S of Corporate Services Report 2023-162 **BE
APPROVED**;

That the draft by-law attached as Appendix T of Corporate Services
Report 2023-162 be approved.

Carried

9. Staff Reports

Moved by Councillor G. Bruno
Seconded by Councillor M. Bagu

That items 9.1 and 9.2 be approved, and the recommendations contained therein
be adopted.

Carried

9.1 2024 Borrowing By-law, 2023-203

That Corporate Services Department Report 2023-203 be received; and

That the draft by-law to authorize the temporary borrowing of \$6,000,000 for 2024 for operating cash flow to meet the City's day-to-day expenditures, pending receipt of tax levies, user fees, and revenues anticipated during the year, be approved.

9.2 2024 Interim Tax Billing, 2023-204

That Corporate Services Department Report 2023-204 be received; and

That the draft by-law attached as Appendix A to Corporate Services Department Report 2023-204 be adopted to authorize the 2024 interim levy of taxes for all property tax classes, from the last revised assessment roll, before the adoption of the estimates for the year and final levy rates are established.

10. Correspondence Items

10.1 Township of The Archipelago - Cigarette Producer Responsibility

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That item 10.1 be received for information.

Carried

11. Presentations

12. Delegations

13. Mayor's Report

A copy of the Mayor's Report is attached.

14. Regional Councillor's Report

15. Staff Remarks

15.1 Boat Ramp Parking Enforcement Update (Lawson)

The Fire Chief provided an update regarding parking enforcement at the boat ramp and provided information regarding number of tickets issued and the inspections conducted to date.

15.2 Update on Various City Projects (Shypowskyj)

The Director of Public Works advised that the H. H. Knoll trail upgrades are done, the Elm Street railway is upgraded, and the upgrades at the Vale Health and Wellness Centre are almost complete.

16. Councillors' Remarks

16.1 Garbage and Recycling Management (Elliott)

Councillor Elliott requested that the Regional Councillor provide Council with an update regarding whether there are any proposed changes to Regional garbage and recycling management services.

16.2 Remembrance Day Ceremony (Bodner)

Councillor Bodner stated that the 2023 Remembrance Day Ceremony will be held at Centennial Park beginning at 10:30 a.m. on Remembrance Day (November 11, 2023).

16.3 Various Remarks (Danch)

Councillor Danch thanked Public Works staff for cleaning up cobwebs and assisting residents with tree removal, then requested that the Niagara Regional Police (NRP) be contacted to help reduce speeding on Clarence Street. The Mayor advised that NRP staff have already been patrolling Clarence Street and will continue their efforts here.

16.4 Update City Logos (Bruno)

In response to Councillor Bruno's request for replacement of the old City logos at the Vale Health and Wellness Centre, the Chief Administrative Officer confirmed that the updated logos have been ordered and will be installed once they are received.

16.5 Killaly Street West Railway Crossing Malfunction (Bagu)

Councillor Bagu stated that he was made to wait at the Killaly Street West railway crossing recently but no train was approaching, then requested that staff investigate why the railway crossing lights were activated despite no train approaching.

16.6 Various Remarks (Beauregard)

Councillor Beauregard stated that he had recently attended the opening of Oh So Glamorous and Al's Country Mutts on behalf of the Mayor, then advised that the Niagara Transit Commission passed their budget, which will be presented to the local area municipalities after the budget receives Regional Council approval.

17. Consideration of Items Requiring Separate Discussion

17.1 Pleasant Beach Road Retaining Wall Update, 2023-217

Moved by Councillor M. Bagu

Seconded by Councillor M. Aquilina

That Public Works Department Report 2023-217 be received and;

That Council direct the Director of Public Works to proceed with replacing the Pleasant Beach Road retaining wall.

Carried

17.2 Heritage Designation Project Update and Motion from Heritage Subcommittee Directing Staff to Research Properties, 2023-212

Moved by Councillor E. Beauregard

Seconded by Councillor M. Bagu

That Development and Legislative Services Department Report 2023-212 be received; and

That the Chief Planner be directed to investigate the heritage significance of the properties that have shown interest in designation.

Amendment:

Moved by Councillor G. Bruno

Seconded by Councillor R. Bodner

That Development and Legislative Services Department Report 2023-212 be received; and

That the Chief Planner be directed to investigate the heritage significance of the properties that have shown interest in designation **as well as properties ranked 10 on the Heritage ranking list.**

That the Chief Planner be directed to send a letter to the owner of each property on the Heritage Registry who have not yet been contacted, being the properties on the Heritage Registry ranked six or less, informing them that their property is listed on the Heritage Registry.

Carried

17.3 Civil Marriage Solemnization Services, 2023-189

Moved by Councillor G. Bruno
Seconded by Councillor F. Danch

That Corporate Services Department Report 2023-189 be received; and

That the City Clerk and Chief Administrative Officer be appointed to provide Civil Marriage Solemnization services starting in January 2024 for an interim period of one (1) year, and that a report reviewing the service be prepared for Council's consideration in 2025; and

That 2024 Fees and Charges By-law include a \$250.00 fee for the provision of a civil marriage ceremony (during office hours at City Hall), \$300.00 fee if held at City Hall outside of regular business hours and \$350.00 if held off-site plus mileage at the City rate.

Amendment:

Moved by Councillor G. Bruno
Seconded by Councillor R. Bodner

That Corporate Services Department Report 2023-189 be received; and

That the City Clerk and Chief Administrative Officer be appointed to provide Civil Marriage Solemnization services starting in January 2024 for an interim period of one (1) year, and that a report reviewing the service be prepared for Council's consideration in 2025; and

That 2024 Fees and Charges By-law include a \$250.00 fee for the provision of a civil marriage ceremony (during office hours at City Hall), \$300.00 fee if held at City Hall outside of regular business hours and **\$365.00** if held off-site.

Carried

18. Motions

19. Notice of Motions

20. Minutes of Boards and Committees

Moved by Councillor M. Aquilina
Seconded by Councillor R. Bodner

That items 20.1 and 20.2 be approved, as presented.

Carried

20.1 Port Colborne Public Library Board Meeting Minutes - September 6, 2023

20.2 Active Transportation Advisory Committee Meeting Minutes- May 30, 2023

21. By-laws

Moved by Councillor F. Danch

Seconded by Councillor T. Hoyle

That items 21.1 and 21.5 be enacted, as amended.

Carried

21.1 2024 User Fees and Charges By-law

21.2 2024 Borrowing By-law

21.3 2024 Interim Tax Levy By-law

21.4 By-law to Authorize Civil Marriage Solemnization Services and to Appoint Marriage Officiants for the Corporation of the City of Port Colborne

21.5 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne

22. Procedural Motions

23. Information items

24. Adjournment

Mayor Steele adjourned the meeting at approximately 8:15 p.m.

William C. Steele, Mayor

Saima Tufail, Acting City Clerk

MAYOR'S REPORT

TUESDAY, OCT. 24



H2O CONFERENCE

Thank you, Councillor Beauregard, for serving as Deputy Mayor last week while I attended the Highway H2O conference.

In Port Colborne, we are part of Highway H2O, which includes the Great Lakes and the St. Lawrence Seaway system, which serves a market of more than 150 million people. It includes a network of 40 ports with intermodal connections.

The Hwy H2O conference included members of shipping companies, Seaway executives, leaders of business and industry. We learned about social sustainability, climate change, and economic impact.

The annual economic impact business on the Great Lakes is \$46 billion, as reported by the Marine Chamber of Commerce. The economic impact on Port Colborne alone is \$64 million per year.

That's how much economic impact we see in Port Colborne related to every tonne of cargo on every ship that passes through our city.

That impact is calculated not only by the cargo on the vessels, but by every dollar it takes to move that cargo. It takes into consideration the pay cheques of the crews on the ships and the salaries of staff of the Seaway, and the groceries they buy for their families, the shoes they buy for their children, the meals they buy in restaurants – all that combined creates the economic impact.

That economic impact is now affected by a strike between Unifor and the St. Lawrence Seaway Management Corporation.

The four Welland Canal Mayors – Mayor Sisco from St. Catharines, Thorold Mayor Terry Ugulini, Welland Mayor Frank Campion and I -- issued a joint statement yesterday to encourage an end to the strike, to keep supply chains flowing.

UNIFOR AND ST. LAWRENCE SEAWAY MANAGEMENT COMPANY STRIKE

No one wants to strike. No one is happy when there's a strike – not union members, and not management.

There are 360 workers on strike from Unifor Locals 4211, 4212 and 4323 in Ontario and 4319 and 4320 in Quebec.

We urge the St. Lawrence Seaway Management Corporation and Unifor to get down to business, negotiate in good faith, and bring this strike to an end.

TRICK OR TREAT AT ROSELAWN

It's Halloween next week, so we'll see lots of ghosts and goblins out at dusk and after dark. Please, all drivers, take care and caution --- as we all should every day!

Roselawn will be dressed up like a haunted house, so be sure to take your trick-or-treaters over for tricks and treats.

POPPY WEEK

The Royal Canadian Legion annual Poppy campaign kicks off on Friday, October 27. I will be honoured by with the first poppy of the campaign for Legion Branch 56, right across the street from city hall in King George Park.

Please support the campaign, folks. When you buy a poppy, you are supporting Legion programs which help veterans and their families.

We wear poppies every year until the eleventh hour of the eleventh day of the eleventh month, when we meet at the Cenotaphs in HH Knoll Lakeview Park and Centennial Park. We gather to honour the sacrifices made by our parents, grandparents and great grandparents, to protect freedom in our world.

Subject: Request for Fence Variance - 57 Renfield Street

To: Council - Public Meeting

From: Community Safety & Enforcement Department

Report Number: 2023-225

Meeting Date: November 14, 2023

Recommendation:

That Community Safety and Enforcement Department Report 2023-225, be received for information; and

That the owner of 57 Renfield Street be granted variance to allow for sections of the fence to be built at a height of 2.43 m (7.97 ft), whereas 3.04 metres (9.97ft) is proposed and the City's Fence By-law permits a height of 2 metres (6.56 ft) in residential areas.

Purpose:

This report is presented to Council as the owner of the property is requesting relief from the Fence By-law due to the lowering of the grade along the sides of their dwelling, and to provide privacy from the higher deck at the neighbouring property.

Background:

The owner of 57 Renfield Street has applied for a variance to the City's Fence By-law to permit sections of a fence to be built at a height of 3.04 metres and 2.43 metres. The City's Fence By-law permits a height of 2 metres in residential areas.

It is Council's Policy to review any variance requests for fences and decide on a case-by-case basis with the information provided. The applicant's property is located on the east side of the road at the north end of Renfield Street between two dwellings. The front entry of the dwelling fronts on Renfield Street with no rear neighbours or rear road allowance. The proposed fence will run on the north and south sides of the property starting at the rear of the dwelling and attaching to the existing fence at the eastern most point of the property.

Section 3.3.2 of the current Fence By-law 5510/107/10, Being A By-Law To Regulate Fences In The City Of Port Colborne And To Repeal By-Law No. 1170/117/81 as amended, establishes fence heights of 2 m (6.56 ft) above the effective ground level in any rear or side yards:

“3.3 Fence Heights in Residential Zones”

3.3.2 Except as otherwise provided in this By-law, no person shall construct or permit to be constructed or maintained any fence of a height greater than 2m (6.56ft) above the effective ground level in any rear and/or side yards from rear lot line to the front setback line as illustrated in Schedule “A” to this By-law.”

Discussion:

Staff received the application and supporting documentation, which are attached to this report as “Appendix A.” Staff then uploaded this information to the By-law Variance web page and opened it up for public comments.

The erection of the fence does not require a building permit, therefore no review from the Building Division is required.

The proposed fence is located in the rear yard with sections to be erected on the north and south sides of the property at a height of 3.04m (9.97ft) and 2.43m (7.97 ft). These sections of fence exceed the height requirements by 1.04m (3.4ft) and 0.43m (1.4ft) in residential areas.

Options:

- a) Do nothing – Staff do not recommend this option. The Applicant is attempting to augment the privacy of their property and has already installed fence posts. A response to the application is necessary.
 - b) Approve Variance – Staff do not recommend this option. Staff feel that the variance requested exceeds the reasonable variance in a residential zone. The requested fence height of 3.04m (9.97ft) would even exceed the height regulations for Commercial and Industrial Zoned properties where there are concerns for security and privacy that are not applicable in this case.
 - c) Reduce 3.04 m (9.97ft) sections of fence to 2.43 m (7.97ft) in height – Staff recommend a variance of 0.43 m in the area where relief is requested. The 2.43 m (7.97 ft) sections should supply sufficient privacy as it is just below the height regulations for privacy screens. The average height for fences in the Region of Niagara is 2.25 m (7.4 ft), the current height of fences in Port Colborne for side yards is 2 m (6.56 ft) and the current height for privacy screens is 2.5 m (8.20 ft). This new adjusted fence height would be in between with the average height in the region and our current privacy screen regulations.
-

Internal Consultations:

No concerns regarding this application from the Planning Division.

No concerns regarding this application from the Building Division.

Financial Implications:

There are no financial implications.

Public Engagement:

The variance application was posted on September 20, 2023, on the By-law variance web page and closed on October 17, 2023. Two comments were received, which are attached to this report as “Appendix B.”

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Welcoming, Livable, Healthy Community
-

Conclusion:

Staff recommend that council denies the fence variance request and adjusts the height of the request from 3.04m down to 2.43m in the first two sections of the application. The remaining fence would remain in compliance with the Fence By-law being under 2m in height. Staff believe this adjusted height will provide the applicant the desired amount of privacy.

Appendices:

- a. Appendix A: Fence variance application form and attachments
- b. Appendix B: Public comments on the application, submitted to the By-law Compliance Applications, and Appeals and Variances web page

Respectfully submitted,

Travis Morden
Senior Municipal Law Enforcement Officer
905-835-2900 ext. 209
Travis.Morden@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

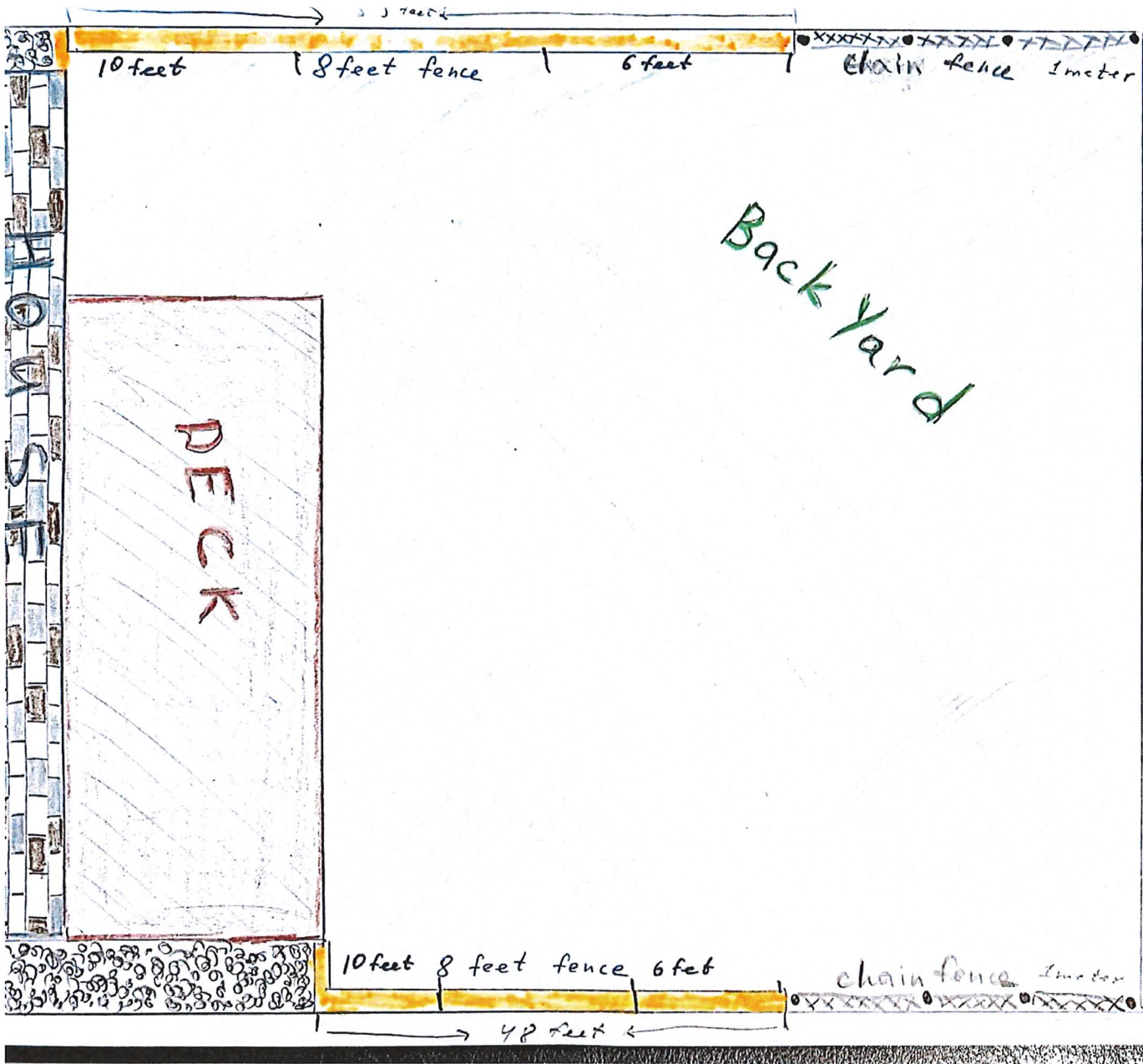
Hello,

Please note the following response to Request for Relief from Fence By-law has been submitted on Wednesday August 23rd 2023 5:54 PM with reference number 2023-08-23-005.

- **Do you want to pay for the application online?**
No (payments must be made in person at City Hall upon submission before the application will be reviewed by City staff)
- **First name**
Anna
- **Last name**
Lasko
- **Address**
57 Renfield Street
- **City**
Port Colborne
- **Postal Code**
L3K0A7
- **Is the property address in question the same as above?**
Yes
- **Email**
- **Phone Number**
- **Please upload a file of your Site Plan**
1. 10,8,6 feet hight fence.pdf [404.5 KB]
- **Location of Fence that is affected by the relief request.**
Rear Yard
- **Fence Construction**
Closed

- **Existing Fence Height: (inches)**
no fence
- **Proposed Fence Height: (inches)**
10, 8, 6 feet.
- **Is the Fence in question, adjacent to a driveway?**
No
- **Is there an easement/swale on the property?**
No
- **Is there an existing Site Plan Agreement?**
No
- **Is there a Pool on the property?**
No
- **Comments:**
Dear Port Colborne building inspection, I have submitted my application on August 17, 2023 along with a credit card payment that has even cleared on my end. I would like to add to my existing application the following - instead of 8 feet fence, I would like to divide the fence into 6 feet, 8 feet and 10 feet heights, that would run half way along my backyard. The reason is the quarry view that I would not want to block, and close proximity of the neighbor's decks from both sides that asks for privacy fence. Also, the grading on my back yard goes down significantly on the line of the proposed fence, therefore I would like to go 8, and 10 feet closer to the house to compensate for the slope.
- **Date**
8/23/2023

[This is an automated email notification -- please do not respond]



Madison Cassar

From: [REDACTED]
Sent: October 1, 2023 9:09 AM
To: Bylaw Enforcement
Subject: New Response Completed for Resident Comment Form for By-Law Variances

Hello,

Please note the following response to Resident Comment Form for By-Law Variances has been submitted at Sunday October 1st 2023 9:05 AM with reference number 2023-10-01-001.

- **First name**

[REDACTED]

- **Last name**

[REDACTED]

- **Address**

[REDACTED]

- **City**

PORT COLBORNE

- **Postal Code**

L3K0A7

- **Phone Number**

[REDACTED]

- **Email**

[REDACTED]

- **Variance Reference No.**

2023-08-23-005

- **Proximity to applicant property**

Adjacent

- **Have you previously registered a complaint on the application property?**

No

- **Please provide your comments:**

We have given consideration to the request put in by our neighbours and unfortunately we cannot make sense of the request. When we look at the 3 properties, we are in a bungalow and our two neighbours are in raised bungalows. Their decks are at eye level with each other and a 10 foot fence does not give either of them any more privacy. Our deck is lower and they are already fenced at the top of their deck and there is no privacy issue. We have taken pictures but cannot upload them for you.

An 8 foot fence or 10 foot fence blocks the quarry view we enjoy from our dining room

window and our back deck. Aesthetically it would be like looking out at a prison yard fence. Please let us know if we can supply any more information for you or we welcome you to our home to come and view for yourself.

[This is an automated email notification -- please do not respond]

Diana Vasu

From: Madison Cassar
Sent: November 8, 2023 1:18 PM
To: Diana Vasu
Subject: FW: Pictures - RE 57 Renfield St Fence Variance
Attachments: IMG_0323.jpg; IMG_0322.jpg; IMG_0321.jpg; IMG_0320.jpg; IMG_0319.jpg

Hi Diana,

Here are the photos from [REDACTED]

Can you please attach to their comments regarding the fence variance of 57 Renfield St for consideration by Council?

Thank you!



www.portcolborne.ca

Madison Cassar
By-law Intake Officer
City of Port Colborne

3 Killaly Street West
Port Colborne, ON L3K 6H1
Phone 905-835-2900 x207
Email Madison.Cassar@portcolborne.ca

"To provide an exceptional small-town experience in a big way"

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From: Diane Chivers [REDACTED]
Sent: Wednesday, November 8, 2023 1:13 PM
To: Madison Cassar <Madison.Cassar@portcolborne.ca>
Subject: Fwd: Pictures

You don't often get email from [REDACTED] [Learn why this is important](#)

----- Forwarded message -----

From: [REDACTED]
Date: Wed, Nov 8, 2023 at 12:59 PM
Subject: Pictures
To: [REDACTED]

Hi Madison,

I am sending these from [REDACTED], let me know if you need better views or if you would like to talk through them.

Thank you,
[REDACTED]

Sent from my iPhone











Madison Cassar

From: [REDACTED]
Sent: October 4, 2023 6:22 PM
To: Bylaw Enforcement
Subject: New Response Completed for Resident Comment Form for By-Law Variances

Hello,

Please note the following response to Resident Comment Form for By-Law Variances has been submitted at Wednesday October 4th 2023 6:18 PM with reference number 2023-10-04-008.

- **First name**

[REDACTED]

- **Last name**

[REDACTED]

- **Address**

[REDACTED]

- **City**

Port Colborne

- **Postal Code**

L3K 0A7

- **Phone Number**

[REDACTED]

- **Email**

[REDACTED]

- **Variance Reference No.**

2023-08-23-005

- **Proximity to applicant property**

Adjacent

- **Have you previously registered a complaint on the application property?**

No

- **Please provide your comments:**

We have two comments we would like to put forward for the city's consideration on the matter of the request for a rear fence variance at 57 Renfield. We've heard from other neighbours who are concerned it will devalue their property because it will obstruct their view of the quarry pond. We empathize with their situation. We can also understand how the owners of 57 Renfield might want to ensure privacy from neighbours. From a structural perspective, has the city done its due diligence to ensure the contractors installed appropriate posts at the appropriate depth to support the weight and height of

10-foot and 8-foot tall sections of wood fencing? The posts are installed quite close to the swale, which tends to get quite swampy after rain/snow fall. Are they below frost line? It's also a high-wind corridor, which is another reason to ensure the posts are installed at the correct depth. The maximum depth we could achieve while completing our test dig in our backyard, which shares a property line with 57 Renfield was three feet. We were advised that the rule of thumb for post depth is one-third to one-half of the actual above-ground height of the fence. So were the posts for the the eight-foot tall section of the fence buried to at least four feet and the 10-foot high section even deeper? Our concern is from a safety perspective. We'd like to make sure the City has confirmed the posts were dug at the proper depths to support the integrity of this structure and keep everybody safe.

[This is an automated email notification -- please do not respond]

Subject: Recommendation Report for Official Plan and Zoning By-law Amendment – Port Colborne Quarries Pit 3 Expansion – Files: D09-02-21 & D14-09-21

To: Council

From: Development and Legislative Services Department

Report Number: 2023-229

Meeting Date: November 14, 2023

Recommendation:

That Development and Legislative Services Department – Planning Division Report 2023-229 be received; and

That the Official Plan Amendment attached as Appendix A of Planning Division Report 2023-229 be approved; and

That Council direct staff to circulate a copy of Report 2023-229 to the Niagara Region advising of its adoption of Official Plan Amendment 13; and

That City Council requests that the Niagara Region Council approve Official Plan Amendment 13 for the City of Port Colborne; and

That the Zoning By-law Amendment attached as Appendix B of Planning Division Report 2023-229 be approved, rezoning the lands from Agricultural to MAO-75; and

That Council require no further public notice in accordance with Section 34(17) of the Planning Act; and

That the City Clerk be directed to issue the Notices of Adoption and Passing in accordance with the *Planning Act*.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding applications submitted by David Sisco of IBI/Arcadis Group on behalf of the owner, Port Colborne Quarries Inc. for a proposed Official Plan Amendment and Zoning By-law Amendment to facilitate the expansion of the existing Pit 3 lands.

Background:

Applications

The City of Port Colborne (the “City”) received applications for the proposed Official Plan and Zoning By-law Amendments on March 17, 2021. The applications were deemed complete on July 8, 2021. A public open house was held jointly with the Niagara Region (the “Region”) on September 9, 2021, to hear comments from interested members of the public. Port Colborne Quarries Inc. (“PCQ”) is represented by their authorized agent, David Sisco of IBI/Arcadis Group (the “applicant”).

A statutory public meeting was held by the City on March 7, 2023, to hear further comments from members of the public and City Council. The Region held a statutory public meeting for the Regional Official Plan Amendment (“ROPA”) the following day on March 8, 2023.

The application for the Official Plan Amendment (“OPA”) proposes to change the designation of the subject lands from Agricultural to Mineral Aggregate Operation. The application also proposes to add a Special Policy Area to permit the proposed expansion of the quarry.

The application for the Zoning By-law Amendment (“ZBA”) proposes to change the zoning of the subject lands from Agricultural (“A”) to Mineral Aggregate Operation (“MAO”), as well as reduce the minimum setback from a Provincial Highway from 90 metres to 30 metres.

Location

The lands subject to the applications are located immediately adjacent to the existing PCQ operation to the west along Highway 3. Legally, the lands are described as Part of Lot 17, 18, 19, Concession 2, and located on the north side of Main Street East/Highway 3, south of Second Concession Road, and west of Miller Road. The total area to be licensed is 100.2 hectares, of which 68.7 hectares is proposed to be extracted. The remaining lands not subject to extraction have been included within the licensed boundary to ensure applicable environmental conditions and mitigation measures will be maintained. The lands subject to the applications (in red) are shown below (figure 1).



Figure 1 Subject Lands

Associated Applications

In addition to the Local OPA and ZBA, the applicant has also submitted a complete application for a ROPA to the Region to permit the proposed quarry expansion. As referenced above, a separate statutory public meeting for the ROPA application was held at the Regional Planning and Economic Development Committee on March 8, 2023.

The applicant has also applied for a Category 2 (Below Water Quarry) – Class A Licence to the Ministry of Natural Resources and Forestry (MNRF) under the *Aggregate Resources Act* (ARA). The ARA application process includes a separate public consultation and notification process. The comments and objections submitted to the City with respect to the Planning Act applications, along with this report have also been submitted to the MNRF referencing the ARA application,

JART Process

To coordinate the technical review of the applications - a Joint Agency Review Team (JART) was formed. The JART is a team of planning staff from the Region, the City, and the Niagara Peninsula Conservation Authority (NPCA). The purpose of the JART is to share information, resources, and expertise so that the applications and the associated studies are reviewed in a streamlined and coordinated manner. Staff from applicable provincial ministries have been engaged through the JART process as well.

The JART does not make a recommendation on the application, rather the JART works to:

- ensure that the required range of studies and work is completed by the applicant;
- ensure that the studies are sufficient in terms of their technical content;
- review of the studies and work of the applicant either by technical staff or by peer reviewers;
- ensure a coordinated public and stakeholder consultation and engagement process; and
- prepare a technical JART report on the application once all reviews are complete.

The JART report attached as Appendix C has been prepared by the JART's Aggregate Advisor, Melanie Horton of Esher Planning Inc. The report summarizes the background work, analysis, and findings of the JART's review of the application and associated materials.

Materials Submitted in Support of the Applications

In support of the applications, the applicant has provided numerous technical studies and reports. The Region, on behalf of the JART has retained an Aggregate Advisor and several third-party peer reviewers to assist with the review of many of the technical studies.

In addition to the technical studies/reports, the ARA Site Plans have been reviewed by the JART through the application process. If approved, the ARA Site Plans are the primary tool used by the Province to enforce the conditions and other aspects of the quarry's ongoing operations. The mitigation measures and recommendations of each of the technical studies/reports are included as part of the Site Plans and/or associated Site Plan Notes. Once/if the application is approved under the ARA, the enforcement of the quarry's operation remains with the province.

An index of all materials submitted to date has been attached as Appendix D. The materials can be accessed via the Port Colborne Quarries website at www.portcolbornequarries.ca.

Discussion:

These applications have been reviewed with consideration of applicable policies under the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan (2014)*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

Provincial Policy Statement (2020)

The *Provincial Policy Statement* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for the long-term protection of mineral aggregate and petroleum resources and limits what can and cannot be done in areas with known resources.

While Section 2.5 (Mineral Aggregate Resources) of the PPS is the predominant section the applications are evaluated against, it is important to note that the policies of the PPS are to be read in their entirety and applied on a situational basis. The relevant PPS policies have been analyzed below.

Section 1.6.8 of the PPS sets out the policies for protection of transportation and infrastructure corridors. With respect to transportation corridors, the policies require that developments shall not negatively affect the use of the corridor for the purpose for which it was identified. As Highway 3 is a Provincial Highway, the Ministry of Transportation (MTO) has been involved in the application review. The MTO has not raised any concerns with respect to the proposed quarry's location in relation to their highway corridor. Typically, developments are required to maintain a minimum of a 14m setback from MTO right-of-way. The Pit 3 expansion is proposed to be setback a minimum of 30m to the MTO right-of-way, which exceeds the minimum setback as established by the MTO for any potential highway upgrades.

Section 1.7 of the PPS states the following with respect to long-term economic prosperity (Note: only the relevant policies have been included below):

Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;*
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network;*

The above policies have been satisfied through the numerous technical reports and studies. Specifically, the Financial Impact Assessment and Economic Benefits report was reviewed internally by the City Treasurer to confirm that the proposal will benefit the City financially, through new tax assessment, and aggregate levies. The proposal

optimizes the long-term availability of the aggregate resources, which will be integral for Port Colborne and the Region's expected growth potential, being as close to market as possible. The proposed quarry will help maintain Niagara stone reserves to ensure this close proximity to market is maintained. The Archaeological Assessments and Cultural Heritage Screening Report have identified cultural and heritage resources within the study area. The studies conclude with recommendations for additional work to be undertaken in certain areas prior to extraction. The proposal will mitigate and conserve any cultural heritage, or archaeological resources through the recommendations of the final archaeological work. The impacts on the agricultural system will be further analyzed through sections 2.3 and 2.5 below. The PPS provides limited opportunities for non-agricultural uses in prime agricultural areas. Mineral aggregate extraction is recognized as a non-agricultural use that is permitted to be located within an agricultural area.

Section 2.1 of the PPS provides policies relating to the protection of Natural Heritage features as follows:

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

2.1.3 Natural heritage systems shall be identified in Ecoregions 6E & 7E, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.

2.1.4 Development and site alteration shall not be permitted in:

- a) significant wetlands in Ecoregions 5E, 6E and 7E; and*
- b) significant coastal wetlands.*

2.1.5 Development and site alteration shall not be permitted in:

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E;*
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);*
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);*
- d) significant wildlife habitat;*
- e) significant areas of natural and scientific interest; and*

f) coastal wetlands in Ecoregions 5E, 6E and 7E that are not subject to policy 2.1.4(b) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

2.1.9 Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.

Based on the findings of the Environmental Impact Study (EIS), it has been confirmed that no negative impacts will occur with respect to natural heritage. The EIS has been peer reviewed by the JART to confirm the study meets the requirements and intent of the PPS. The ARA site plans will contain relevant, enforceable clauses to ensure the long-term monitoring of the natural heritage features adjacent to the area being extracted.

Policy 2.2.2 of the PPS deals with the protection of water resources through development applications. Policy 2.2.2 states the following:

2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.

In addition to the EIS as referenced above, the applicant has also provided both Hydrological and Hydrogeological studies (surface and groundwater, respectively) to review the proposal's impact on the surface and groundwater features. Applicable mitigation measures have been recommended through the studies and included within the enforceable ARA site plan clauses to ensure the hydrological and hydrogeological features are adequately monitored, protected, improved and/or restored. These above-referenced studies have been peer reviewed by the JART to ensure the recommendations are adequate.

Policy 2.3.6.1 provides policy direction with respect to non-agricultural uses within an agricultural area. The policy states:

2.3.6.1 Planning authorities may only permit non-agricultural uses in prime agricultural areas for:

a) extraction of minerals, petroleum resources and mineral aggregate resources;

As part of the complete application, the applicant has submitted an Agricultural Impact Assessment (AIA), which confirms the lands are located within a prime agricultural area. The AIA was reviewed by the JART to confirm its findings.

Section 2.5 of the PPS recognizes the importance of mineral aggregate resources. Specifically, policy 2.5.2.1 states that:

2.5.2.1 As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.

Other relevant policies under section 2.5 include the following:

2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

2.5.2.3 Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.

2.5.3.1 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.

2.5.3.2 Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.

2.5.4.1 In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition.

Complete rehabilitation to an agricultural condition is not required if:

a) outside of a specialty crop area, there is a substantial quantity of mineral aggregate resources below the water table warranting extraction,

or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;

c) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Class 1, 2 and 3 lands; and

d) agricultural rehabilitation in remaining areas is maximized.

The policies referenced under section 2.5 of the PPS above have been analyzed at length by the applicant and their consultants, the JART, and the peer reviewers. As noted in the JART report, policy 2.5.2.4 of the PPS clarifies that the depth of extraction of a proposed mineral aggregate operation is a matter that is addressed at the Ministry level, through the ARA process.

Section 2.6 of the PPS outlines policies with respect to cultural heritage and archaeological resources. The policies state that cultural heritage resources shall be protected, and that development is not permitted on sites containing archaeological resources unless the resources have been conserved. As referenced previously, the Archaeological Assessments and Cultural Heritage Screening Report submitted with the applications have identified cultural and heritage resources within the study area. The studies conclude with recommendations for additional work to be undertaken in certain areas prior to extraction. Conditions will be enforced under the ARA site plans which prevent any disturbance of these areas and 70m buffer until such a time that the Ministry of Citizenship and Multiculturalism has provided their clearance of the areas. The province will remain the enforcement agency to ensure this is completed. The proposal will mitigate and conserve any cultural heritage, or archaeological resources through the recommendations of the final archaeological work.

Finally, Section 3.2 sets out the policy direction for dealing with human-made hazards, specifically on sites with contaminants in land or water. Significant concerns were raised at the Public Meeting with the site's inclusion of the Humberstone Speedway lands. While the applicant did submit a Conceptual Soil Management Plan with the application, the JART has ensured that the required Phase Two Environmental Site Assessment (ESA) has been included as a condition within the ARA Site Plan notes. This clause will ensure the ESA is completed prior to any extraction taking place on the land. The ESA will determine whether there will be any soil materials that can be reused within the site, any processing that may be required, and/or which soils may require to be deposited at a licensed landfill site.

Based on the above, Planning staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments are consistent with the *Provincial Policy Statement*.

Growth Plan for the Greater Golden Horseshoe (2019)

The *Growth Plan for the Greater Golden Horseshoe* (Growth Plan), much like the PPS, directs municipalities to implement and maintain policies and other strategies to conserve mineral aggregate resources.

While the proposal will be predominantly evaluated under section 4.2.8 – Mineral Aggregate Resources, there are a number of policies under the Growth Plan that apply to this application.

Policies under section 4.2.2, 4.2.3 and 4.2.4 of the Growth Plan set out the natural heritage direction for new developments. The main goal of these policies is to ensure there is no negative impact on key natural heritage features, or key hydrologic features and/or their functions. The key natural heritage and key hydrologic features have been identified through the EIS, hydrological and hydrogeological studies prepared by the applicant's consultants. These areas along with their associated buffers have been intentionally excluded from the limit of extraction.

Section 4.2.6 provides policies related to the agricultural system. Much like the PPS, the Growth Plan states that prime agricultural uses are to be protected for long-term use. However, the Growth Plan further states under policy 4.2.8 (3.) that applications for new mineral aggregate operations are permitted provided the applications are supported by an Agricultural Impact Assessment (AIA). The AIA has demonstrated that the proposed mitigation measures have minimized any negative impacts to the surrounding agricultural system.

Section 4.2.8 provides direction on mineral aggregate resources. More specifically, policy 2 under this section states the following with respect to mineral aggregate operations:

Notwithstanding the policies in subsections 4.2.1, 4.2.2, 4.2.3 and 4.2.4, within the Natural Heritage System for the Growth Plan, mineral aggregate operations and wayside pits and quarries are subject to the following:

a) no new mineral aggregate operation and no new wayside pits and quarries, or any ancillary or accessory use thereto, will be permitted in the following key natural heritage features and key hydrologic features:

i. significant wetlands;

ii. habitat of endangered species and threatened species; and

iii. significant woodlands unless the woodland is occupied by young plantation or early successional habitat, as defined by the Province, in which case, the application must demonstrate that policies 4.2.8.4 b) and c) and 4.2.8.5 c) have been addressed and that they will be met by the operation;

b) any application for a new mineral aggregate operation will be required to demonstrate:

i. how the connectivity between key natural heritage features and key hydrologic features will be maintained before, during, and after the extraction of mineral aggregate resources;

ii. how the operator could replace key natural heritage features and key hydrologic features that would be lost from the site with equivalent features on another part of the site or on adjacent lands;

iii. how the water resource system will be protected or enhanced; and

iv. how any key natural heritage features and key hydrologic features and their associated vegetation protection zones not identified in policy 4.2.8.2 a) will be addressed in accordance with policies 4.2.8.4 b) and c) and 4.2.8.5 c); and

c) an application requiring a new approval under the Aggregate Resources Act to expand an existing mineral aggregate operation may be permitted in the Natural Heritage System for the Growth Plan, including in key natural heritage features, key hydrologic features and any associated vegetation protection zones, only if the related decision is consistent with the PPS and satisfies the rehabilitation requirements of the policies in this subsection.

The EIS submitted with the application has confirmed that the proposed operation will be outside of significant wetlands, habitat of endangered species, and significant woodlands. The JART has peer reviewed the materials to confirm the findings. Monitoring programs will be implemented through the ARA site plans that will ensure there will be no negative impact to these features.

Based on the submitted materials and review of the Growth Plan policies, Planning staff are of the opinion that the proposed application conforms with the Growth Plan.

Niagara Region Official Plan (2014)

The new Niagara Official Plan (NOP) was approved on November 4, 2022, with modifications by the Ministry of Municipal Affairs and Housing. Policy 7.12.2.5 of the NOP states that development applications deemed complete prior to the date of the

NOP approval shall be permitted to be processed under the 2014 Regional Official Plan (ROP) policy regime. As the applications for ROPA, Local OPA, and ZBA were all deemed complete on July 8, 2021, the applications will be reviewed under the 2014 ROP.

The applications have been predominantly reviewed under Chapter 6 of the ROP, however other relevant policies have been referenced below. An amendment to the ROP is required because the proposed PCQ Pit 3 Extension is not identified on Schedule D4 as a Possible Aggregate Area, pursuant to ROP Policy 6.C.13.

Section 5.B of the ROP provides the framework for how the Region and City are to evaluate proposals to change the land use designation of a property from Good General Agricultural to another use. Policy 5.B.7 sets out criteria in which an application must meet in order for the change in land use to be supported by the ROP. Policy 5.B.7 states that:

- a) Non-agricultural uses are not permitted in Unique Agricultural Areas - Good Tender Fruit and Good Grape Areas.*
- b) Non-farm residential lots and uses are not permitted in Good General Agricultural Areas or in Rural Areas in close proximity to agricultural activity.*
- c) A demonstrated need for additional land to be designated within the municipality and the desirability of the proposed use to the community.*
- d) There are no reasonable alternatives in Rural Areas or in Urban Areas.*
- e) There are no reasonable alternative locations in other Good General Agricultural Areas with lower priority agricultural land.*
- f) The degree of conflict with surrounding agricultural uses. Any conflict should be mitigated to the extent feasible. This would depend on the size and nature of the proposed use, the existing agricultural uses, and on any buffering factors between them. For example, creeks, roadways and other prominent features would be helpful in defining and screening a non-agricultural use from surrounding farms;*
- g) Compliance with policies contained in Chapters 6 and 7, Environmental Policies including the Natural Heritage and Aggregate Resource Policies.*
- h) Applications must be supported by adequate technical assessment to ensure that private water supply and private sewage services can be provided.*
- i) Compliance with other policies contained in the Regional Official Plan.*

The applicant has demonstrated that the proposal meets the above criteria. The Planning Justification Report (PJR) and AIA demonstrate that there are no reasonable alternatives for the location of the proposed expansion and that the proposal will provide

mitigation measures in accordance with the technical reports/studies to ensure its compatibility with surrounding lands.

Chapter 6 of the ROP provides policy direction on Mineral Aggregate Operations in order to implement Provincial objectives. It is also noted that Schedules D1, D2, and D3 of the ROP identify potential resource areas across the Region and local municipal official plans are required to conform to the schedules and policies of the ROP.

Specifically, Policy 6.C.4 states that:

Only those uses permitted under Chapter 5.B, Policies for Agriculture, and Niagara Escarpment Plan policies within the Niagara Escarpment Plan area, should be considered for areas adjacent to either licensed pits and quarries or possible aggregate areas which are outside the urban areas boundaries of local municipalities as shown in this Plan.

Also, in areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or the expansion of existing operations or access to the resources shall only be permitted if:

- a) Resource use would not be feasible; or*
- b) The proposed land use or development serves a greater long-term public interest; and*
- c) Issues of public health, public safety and environmental impact are addressed.*

The above section demonstrates that areas with known mineral aggregate deposits are to be protected, and that expansions are generally supported, provided the criteria under section 5.B have been met.

Other pertinent policies from Chapter 6 have been provided below.

Policy 6.C.6 *The Region desires full consultation among the Ministry of Natural Resources, the Region, the area municipalities and pit and quarry applicants before the licenses are issued or changed, to ensure that proposed new or expanded pit and quarry operations are found to be on satisfactory sites and that the rehabilitation plans are found suitable. Policies of local official plans and comments by area municipalities will be taken into account. In addition, within the Niagara Escarpment Plan area any pit and quarry application shall conform with the Niagara Escarpment Plan policies.*

The JART and applicant have been in full contact with the Ministry of Natural Resources and Forestry (MNRF) since the beginning of the application process. To date, comments have been provided to MNRF on the ARA application.

Policy 6.C.7 *The Region encourages progressive rehabilitation of operating pits and quarries, that is, the simultaneous stripping, extraction, and rehabilitation of licensed areas. The rehabilitation of the pit or quarry should be compatible with the surrounding land uses.*

Through the application process, the JART has reviewed the comprehensive rehabilitation plans for the proposed expansion. The expansion lands will be rehabilitated to a lake following the pit's exhaustion. Additionally, the technical studies/reports have confirmed that the quarry will be compatible with the surrounding land uses.

Policy 6.C.8 *In the case of adjacent pit or quarry operations, the Region will, wherever practical, encourage the removal of all economically viable material between the pits, and encourage continuous and harmonious rehabilitation.*

The proposed Pit 3 expansion will be a direct extension of the existing Pit 3 lands which will allow the existing and expansion lands to be rehabilitated to a passive lake simultaneously.

Policy 6.C.13 *Where a new pit or quarry or an extension to an existing licensed pit or quarry are to be located outside a possible aggregate area, an amendment to this Plan is required.*

The proposed Pit 3 expansion lands are located outside of the "possible aggregate area" as indicated on Schedule D4 of the ROP. Therefore, a Regional Official Plan Amendment (ROPA) is required to facilitate the proposal.

Policies within Chapter 7 of the ROP outline the natural environment policy direction for areas containing environmental features. The policies include the protection of key hydrologic features (streams, lakes, ponds, wetlands etc.). It is recognized that existing hydrologic features could contain fish habitat. The EIS has identified that if any fish are present, the fish will be collected through a permit with the MNRF under the Fisheries Act. Any native fish will be relocated to a suitable habitat and non-native fish will be euthanized. Additionally, there is currently a municipal drain located on the proposed expansion lands that will need to be temporarily realigned. The applicant has been in contact with the City's Drainage Superintendent who, through the assigned drainage engineer, will have formal drawings prepared to reflect the realignment. Without the realignment, the northeastern portion of the site, along with the eastern tab cannot be extracted.

As referenced previously, the applicant has submitted an Environmental Impact Study (EIS), along with hydrological, hydrogeological, and tree preservation plans to demonstrate the applications conformity with all Provincial, Regional and City environmental policies. The ARA site plan notes contain a number of monitoring programs that will ensure the protection of the features for the life of the quarry. The EIS

has been peer reviewed by the JART to confirm that there will be no negative impact to the environmental features.

The ROPA submitted by the applicant will need to be approved before the City Official Plan and Zoning By-law Amendments can be officially approved and implemented. Should Regional Council approve of the ROPA, City Planning staff are of the opinion that the proposed applications will conform to the Niagara Region Official Plan (ROP, 2014) as confirmed by the submitted materials and JART.

The steps for the application to reach approval are as follows:

- Local Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) considered at City Council - November 14, 2023;
- Notices of Decision will follow;
- If approved, the amendments will be provided to the Niagara Region;
- Niagara Region Council will consider the application for the Regional Official Plan Amendment (ROPA), along with the City-adopted Local OPA - date is to be determined;
- Following a decision, a 20-day appeal period will follow, beginning on the day the Notice of Decision(s) is circulated.

Port Colborne Official Plan (2017)

The application for Official Plan Amendment (OPA) proposes to change the land use designation of the subject lands from Agricultural to Mineral Aggregate Operation, along with a special policy area to permit the expansion of the quarry. The application has been predominantly reviewed against the policies provided in Section 10 - Mineral Aggregate and Petroleum Resources of the Official Plan. Policy 10.1 of the Official Plan (OP) states:

With respect to identified or potential Mineral aggregate resources the City shall:

- a) Ensure that Mineral aggregate resources are protected for long term future use;*
- b) Minimize the long term impact of the disturbed area by encouraging and promoting the timely, progressing and final rehabilitation of aggregate operations;*
- c) Ensure that land use compatibility issues are addressed;*
- d) Minimize the impact of mineral aggregate operations related traffic on the community and the City's road infrastructure; and*
- e) Provide criteria for evaluating applications for mineral aggregate operations which are consistent with the goals and objectives of this Plan.*

Much like the ROP, the policies above have been addressed through the technical studies and reports which have been peer reviewed by the JART. The criteria referenced above states that applications for an OP and Zoning By-law Amendment will be evaluated based on the submitted studies and the following:

- i) *Compatibility with adjacent, existing and planned land uses with respect to noise, dust, blasting, vibration and truck traffic;*

The applicant has submitted technical studies with respect to land use compatibility, dust, air quality, noise, blasting, vibration and traffic. Peer reviews have confirmed the findings of the studies and recommendations are adequate.

- ii) *Potential impacts on the natural environment, including measures required to minimize or avoid adverse impacts;*

The Environmental Impact Study (EIS), hydrological, and hydrogeological studies have all confirmed that potential impacts have been sufficiently minimized.

- iii) *Potential impacts on the quality and quantity of surface and groundwater systems;*

The Environmental Impact Study (EIS), hydrological, and hydrogeological studies have all confirmed that potential impacts have been sufficiently minimized.

- iv) *Potential impacts on surrounding agricultural operations and lands, including measures to mitigate these impacts;*

The submitted Agricultural Impact Assessment (AIA) has confirmed that any impacts to the surrounding agricultural operations have been mitigated through the recommendations of the technical studies.

- v) *Potential impacts on the transportation system which will require truck routes and points of site access to be established;*

The Traffic Impact Study (TIS) has investigated the impacts of the proposed truck traffic on the existing roads. The MTO has been consulted throughout the process to confirm the access point to the Pit 3 expansion lands can be supported directly from Highway 3.

- vi) *The manner in which the mineral aggregate resource extraction and processing operations will be carried out including hours of operation;*

The hours of operation and manner in which the operations are carried out are matters reviewed through the ARA process. The ARA site plan notes, as reviewed by the JART indicate that "The hours of operation shall be from 7:00a.m. to 7:00p.m. Monday to Friday excluding statutory holidays and 8:00a.m. to 3:00p.m. on Saturdays. At no time shall crushing, rock breaking or blasting take place on a Saturday, Sunday or Statutory Holiday, nor any blasting between the hours of 6:00p.m. and 8:00a.m. Maintenance and, where required for highway construction night contracts, only loading and scale operations may take place outside of normal operating hours."

vii) If applicable, the capability of the land for agricultural uses;

The AIA has reviewed the lands' capability for agricultural uses. The AIA concluded that the lands have the lowest priority lands for preservation within the prime agricultural area. The lands will be rehabilitated to a passive lake following the quarry's exhaustion, in alignment with the PPS and ARA.

viii) Proposed progressive rehabilitation plan; and

As referenced above, the lands will be rehabilitated to a passive lake following the quarry's exhaustion, in alignment with the PPS and ARA.

ix) Any other matters as the City deems necessary.

The City, along with the JART is satisfied that the applicable matters have been addressed through the application process.

Policies 10.2.2 c) and d) of the OP state the following:

- c) For applications on Prime agricultural land, the site will be progressively rehabilitated to agriculture so that substantially the same area and average soil capability for agriculture are restored. Complete agricultural rehabilitation shall not be required if:

 - i) There is a substantial quantity of aggregate resource below the water table warranting extraction;*
 - ii) The depth of planned extraction makes restoration of pre-extraction agricultural capacity unfeasible and other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as greenfield area, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority. Canada Land Inventory Classes 1, 2 and 3; and*
 - iii) Agricultural rehabilitation in remaining areas will be maximized**
- d) Outside the prime agricultural areas or where agricultural rehabilitation is not required, the City will require progressive rehabilitation of pits and quarries to an appropriate after use as determined by the City that is in conformity with the adjoining land use designation and policies, the surrounding natural environment and existing uses.*

As noted in the PJR and AIA, the quarry proposes to extract a substantial amount of aggregate from below the water table. The lands will be rehabilitated to a passive lake, rather than an agricultural use, which is considered a compatible use in alignment with the PPS and ARA.

Based on the review of the applicable policies and submitted materials, Planning staff are of the opinion that the proposed application conforms to the Official Plan.

JART Report

The Aggregate Advisor (Melanie Horton – Esher Planning Inc.) retained on behalf of the JART has prepared a final JART report (attached as Appendix C). The report summarizes the findings of the technical materials and review process to date.

Proposed Applications

As referenced above, this recommendation report is for the applications to the City to amend the City's Official Plan and Zoning By-law 6575/30/18.

The JART Report (Appendix C) outlines the required amendments to the City OP and Zoning By-law. Both the Official Plan Amendment and Zoning By-law Amendments have been attached as Appendices A and B, respectively. Specifically, the amendments to the OP are as follows:

- Add a special policy to permit the proposed quarry.
- Change the designation from Agricultural to Mineral Aggregate Operation on Schedule A: City-Wide Land Use.
- Add on Schedule A: "City-Wide Land Use":
 - the refined limits of the evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and threatened species (0.6 hectare Blanding's Turtle habitat compensation area) as ECA (Environmental Conservation Area).
 - Updated final location of the EPA (Environmental Protection Area) following the conclusion of the Wignell Drain realignment report. Any further refinement to the final location of the EPA associated with the natural hazard lands will not require an amendment to the Official Plan.
- Add on Schedule B: "Natural Heritage":
 - the refined limits of the evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and threatened species (0.6 hectare Blanding's Turtle habitat compensation area) as ECA (Environmental Conservation Area).
- Add on Schedule B1: "Environmental Protection Area":
 - Updated final location of "Streams" and "Natural Hazard Lands" following the conclusion of the Wignell Drain realignment report. Any further

refinement to the final location of the “Streams” and “Natural Hazard Lands” will not require an amendment to the Official Plan.

- Add on Schedule B2: “Environmental Conservation Area”:
 - the refined limits of the evaluated, non-significant wetlands and 30 metre buffer as “Non-Provincially Significant Wetlands”;
 - the significant woodland and 10 metre buffer as “Significant Woodlands”.
 - Updated final location of the “Fish Habitat” and “Streams” following the conclusion of the Wignell Drain realignment report. Any further refinement to the final location of the “Fish Habitat” and “Streams” will not require an amendment to the Official Plan.
- Add the subject lands to Schedule C: Mineral Aggregate and Petroleum Resources as a Mineral Aggregate Operation.

Further, the City’s Zoning By-law 6575/30/18 is proposed to be amended with the following site-specific provisions:

- On Schedule A4 - Change the zoning from Agriculture (A) to Mineral Aggregate Operation special (MAO-75) and refine the limits of the Environmental Conservation Overlay to align with the refined limits of the evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and threatened species (0.6 hectare Blanding’s Turtle habitat compensation area).
- On Schedule A5 - Change the zoning from Agriculture (A) to Mineral Aggregate Operation special (MAO-75) and refine the limits of the Environmental Conservation Overlay to align with the refined limits of the evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and threatened species (0.6 hectare Blanding’s Turtle habitat compensation area).
- Amend Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, to include:

MAO-75 (Mineral Aggregate Operation – Special)

Notwithstanding the provisions of Section 28.3 of the Zoning By-law 6575/30/18, the following regulations shall apply:

- a) No pit, quarry or excavation shall be made or established within 15 metres of any lot line which does not abut a public street or 30 metres of any lot

line which abuts a Provincial Highway or 30 metres of any lot line which abuts any other public street.

With respect to the above Zoning By-law Amendment, concerns have been raised by members of the public for the reduction of the setback from the Provincial Highway from 90 metres to 30 metres. Planning staff note that policy 2.5.2.1 of the PPS states that “as much of the mineral aggregate resource as is realistically possible shall be made available as close to market as possible”. It is recognized that the southern portion of the site, where the reduced setback would apply, contains the deepest portion of the aggregate on the site. Additionally, the Aggregate Resource Act and regulations set the minimum setback from a highway at 30 metres.

Planning staff are of the opinion that the above-referenced Official Plan and Zoning By-law Amendments are consistent with the Provincial Policy Statement, conform with the Growth Plan, as well as will conform with the Regional Official Plan, should Regional Council approve of the Regional Official Plan Amendment (ROPA), and will conform to the City Official Plan.

Internal Consultations:

The applicable internal departments and agencies have been involved throughout the JART’s review of the application. While the majority of the City’s departments did not have any specific concerns or comments on the application, the City’s Drainage Superintendent has been integral to the review of the applications. Comments throughout the process have been provided with respect to the Wignell Drain realignment from both the Drainage Superintendent and the approved Drainage Engineer responsible for the drain report, Paul Marsh. The proposed phasing of the extraction has been planned in accordance with both the ongoing and future municipal drain realignment process. The ARA site plans acknowledge that the drain realignment process will need to be finalized (including any appeals under the Drainage Act), prior to certain phases on the operational plan to be accessible for extraction.

The summaries of each of the technical studies and their review from the JART, peer reviews and internal departments and agencies have been provided in the JART Report (Appendix C).

Financial Implications:

The applicant has submitted a Financial Impact Assessment (FIA) with the proposed applications. The assessment concluded that:

- The proposed quarry use is anticipated to increase the tax revenue generated from the Pit 3 Extension lands when compared to the existing uses.
- The existing and proposed quarry uses are not anticipated to have any impact on the Region's or City's capital programs. If any construction or upgrades are required through further study, PCQ is committed to enter into an agreement with the Region and/or City to cover the necessary costs.
- Annual production of 1 million tonnes is expected to generate \$31,200 for the Region and \$126,880 for the City in TOARC (The Ontario Aggregate Resource Corporation) fees.

The FIA along with its conclusions were reviewed by the JART. It has been confirmed that the analysis has been completed in accordance with the terms of reference, and that all matters have been addressed.

In addition to the City, Region and NPCA application fees for the proposed amendments, the applicant has also entered into an agreement with the Niagara Region which ensures that all peer reviews on behalf of the JART and all associated fees are the responsibility of the applicant. The JART's fees for the retained Aggregate Advisor are also the financial responsibility of the applicant. This ensures that all costs associated with the JART's review of the application have been recovered by the City, Region and NPCA.

Public Engagement:

All public comments have been provided within the final JART Report and associated appendices. Responses to the comments received have been provided in the chart below:

Comment	Response
Concerns were raised that if Babion Road was included as part of the proposed extraction it would further delay the rehabilitation of the existing quarry to a passive lake.	<p>The extraction of Babion Road is not part of the PCQ application. PCQ does not own the Babion Road right-of-way. The initial application provided a conceptual rehabilitation scheme which considered the possible removal of the road; however, the Site Plans were revised to remove this option.</p> <p>The JART confirms that the sale and closure or extraction of the Babion Road allowance is not part of the current</p>

	Planning Act or Aggregate Resource Act applications by PCQ.
<p>Several comments included historical complaints from the public regarding:</p> <ul style="list-style-type: none"> • Blasting • Domestic Wells • Well Interference • Pumping Discharge <p>Comments were received from the public that the quarry operator has a poor track-record addressing complaints from the public relating to operational standards including but not limited to blasting, noise, dust, and water discharge.</p>	<p>PCQ acknowledges there were past issues with how the previous quarry owner handled public-relations and how the quarry was operated.</p> <p>However, since Rankin Construction Inc. has owned/operated the quarry (July 2007), PCQ has advised that it has not received any complaints related to any operational issues including, blasting, flyrock or over-pressure property damage, noise, dust or any domestic water well interference. In addition, PCQ has advised that they have not received any formal complaints related to 'chalky discharge' from the quarry pumping.</p>
<p>Numerous comments from the public that the Pit 1 is subject to a 1982 Site Plan Agreement between the quarry operator and the City of Port Colborne. That the conditions of this Site Plan agreement should be enforced as part of the proposed Pit 3 extension.</p>	<p>The proposed application is for the extension of PCQ Pit 3. Pit 2, Pit 3, and the proposed expansion of Pit 3 would be licensed under the Aggregate Resources Act. The 1982 Site Plan Agreement relates to unlicensed Pit 1 and its conditions cannot be enforced through the Pit 3 extension applications. Ongoing discussions with the City will be required regarding the long-term use of the Pit 1 lands.</p>
<p>Many comments noted the need for timely progressive rehabilitation and a comment that there has not been enough progress on rehabilitation in the existing "pits".</p>	<p>The JART agrees that there is a need for timely rehabilitation, especially regarding PCQ Pit 2.</p> <p>Pit 2 cannot move to 'final rehabilitation' (creation of the lake) since PCQ must continue to transport material from the current Pit 3 through Pit 2 to Pit 1 for processing (crushing, screening,</p>

	<p>washing, loading) and trucked via their Highway 140 entrance/exit.</p> <p>As specified in the Site Plans, once the processing plant is relocated to Pit 3, and a new entrance/exit constructed onto Highway 3, then the Pit 2 dewatering pumps can be removed, and water will begin to fill the lands and the passive lake/final rehabilitation will occur.</p> <p>PCQ has advised that if the Pit 3 extension is approved, the timeline to open the new Highway 3 entrance and construct the necessary infrastructure to support the new processing plant would be about 5 years after the Pit 3 extension begins operations.</p>
<p>Comments from the public that the proposal is not consistent with the Provincial Policy Statement (PPS) because the subject lands are designated as 'prime agricultural land'.</p>	<p>S. 2.5.4.1 of the PPS allows for the extraction of mineral aggregate resources on Prime Agricultural Land provided that the land is rehabilitated back to an agricultural condition. There is an exemption that does not require rehabilitation to an agricultural condition when extraction is below the water table provided the policy tests in the PPS are met. The Planning review of the application confirmed that the application meets the tests of the PPS with respect to extraction on prime agricultural lands. It is also important to consider that the policies of the PPS are to be read in their entirety rather than isolating individual sections.</p>
<p>Comments from the public that the proposed Pit 3 extension has the potential to impact the south Niagara aquifer and other important water resources, and that through dewatering,</p>	<p>Both a hydrogeological (groundwater) and hydrological (surface water) study were required to be submitted in support of the PCQ applications. Potential impacts to groundwater resources are an</p>

<p>the drawdown or 'cone of influence' will result in domestic well interference.</p>	<p>important consideration of both the Planning Act and Aggregate Resource Act processes.</p> <p>The hydrogeological and hydrological assessments were both subject to technical peer reviews.</p> <p>Included as part of the Site Plans are a number of conditions regarding groundwater testing and monitoring. As well as a range of other conditions to implement the recommendations of the hydrogeological and hydrological assessments. The conditions also include a Private Well Water Complaint Response protocol.</p>
<p>Comments from the public that the proposed Pit 3 extension has the potential to impact the natural environment.</p>	<p>A Natural Environment Report (NER) / Environmental Impact Study was completed as part of the ARA and Planning Act applications. The purpose of the NER was to evaluate the proposed quarry expansion in consideration of provincial, regional, local, and NPCA environmental policies and other requirements. The report was peer reviewed in addition to being reviewed by the MNRF and MECP Species at Risk Branch and JART.</p> <p>Based on the analysis and conclusions of the NER a range of mitigation measures were developed. These mitigation measures are included as part of the ARA Site Plan drawings. If approved, the mitigation measures would be enforced through the Provincial license and other secondary ARA approvals that would be required. Examples of the range of environmental mitigation measures include:</p>

	<ul style="list-style-type: none"> • All surface water discharge to be regulated by an Environmental Compliance Approval (ECA) prior to any dewatering. • Conditions requiring the avoidance of bird breeding habitat. • Conditions requiring protection of fish habitat and/or relocation of fish species. Additional approvals from the Department of Fisheries and Oceans (DFO) would be required. • A requirement to implement wetland vegetation monitoring program. • A requirement to implement groundwater monitoring program. • A monitoring program for breeding bird and anuran (frog) call count surveys within the deciduous swamp. • Vegetation planting / restoration at several locations across the site. • A requirement to remove invasive shrubs prior to the planting and restoration of the Carl Road allowance through the northern wetland area. • Land set aside and conditions requiring PCQ to provide compensation habitat for Blanding's Turtle.
<p>Concern/opposition regarding the reduction of the setback along Highway 3 from 90 metres to 30 metres. The need to protect the Highway 3 corridor.</p>	<p>PCQ has advised that they intend to move forward with application for the required zoning by-law amendment for the proposed reduction of the setback of the buffer from 90 metres to 30 metres.</p>

	<p>The following was cited by PCQ as the primary justification.</p> <ul style="list-style-type: none"> • S. 2.5.2.1 of the PPS requires “as much of the mineral aggregate resource as is realistically possible shall be made available as close to market as possible. PCQ estimates that there are approximately 1.7 million tonnes in the setback area. The south end of the site adjacent to Highway 3 also represents the deepest portion of the aggregate on the site. • A 30-metre setback is the Provincial standard setback for aggregate operations and roads. • A landscape berm along Highway 3 is required.
Concerns related to a new quarry access onto Highway 3 including total number of trucks and queuing of trucks on the public highway.	<p>Since the Statutory Public Meetings in March 2023 updates have been made by PCQ to the Site Plan drawings in attempt address this issue including:</p> <ul style="list-style-type: none"> • Redesigning the new entrance on Highway 3 to accommodate the queuing of up to 11 trucks inside the quarry property, including moving the entrance gate and lengthening the berm. • Updating to Site Plan notes to clarify that any costs for a deceleration lane or other improvements to Highway 3 are at the cost of PCQ.
Questions regarding the status of MTO approvals for the proposed entrance/exit onto Highway 3.	<p>MTO were involved in initial discussions with the Region, City, and PCQ and have expressed support for a new entrance onto Highway 3. MTO’s support was</p>

	<p>subject to the new entrance being across from Weaver Road, and other points of access to the site from Highway 3 (such as the driveway that serves Humberstone Speedway) being decommissioned.</p> <p>If the proposed quarry is approved, PCQ will be required to obtain design approval and a permit from MTO.</p>
<p>Questions from the public asking whether it continues to make sense to extract the 'northern finger/tab' (Phase 3) given its ongoing reduction in size and limited width.</p>	<p>PCQ has advised that there is significant volume of material in the northern tab to make the extraction economically viable. Extraction of the northern tab would need to be done in accordance with Provincial standards and any other conditions of potential approval.</p>
<p>The need to protect the northern significant wetland and significant woodland given the proximity of proposed extraction on two sides. Maintaining the wetland water balance.</p>	<p>Through early iterations of the application, the north-west natural features on the site did not include environmental buffers. Based on comments received from JART and the Province it has been confirmed that a large portion of the feature has been assumed to be a "significant wetland for planning purposes" and a 30 m buffer would be applied (although the feature will continue to be classified as an evaluated, non-significant wetland). The remainder of the feature has been classified as a significant woodland, to which a 10-metre buffer would be applied.</p> <p>Given that the Wignell Drain is proposed to be realigned to accommodate the proposed quarry extension it was necessary to ensure that an appropriate wetland water balance would be maintained (i.e. that the wetland does not become either too wet or too dry).</p>

	Through several iterations, and ongoing discussions with the JART and peer review consultants PCQ and their consulting team are proposing a diversion berm and weir to allow for management of the water levels. This would be supported by a monitoring and mitigation program which would be enforceable through the ARA license.
Comments from the public that the setbacks between extraction and the wetland/woodland should be increased.	Earlier iterations of the application did not include buffers/setbacks to the natural features. A 30-metre setback to the wetland (which has been assumed to be significant for planning purposes), and a 10-metre setback to the significant woodland is now proposed by PCQ and included as part of the Site Plans. Extraction is excluded from the buffer, and the buffer would be designated and zoned the same as the adjacent natural feature.
Comment from the public inquiring about the need for a spills response plan and about the need for a spill's containment pad for vehicles.	<p>In response to this question, PCQ has highlighted the following proposed conditions:</p> <ul style="list-style-type: none"> General Operational Note 12: Fuel Storage: Fuel Storage: There will be no on-site fuel storage. Fuel storage will continue to be located in the Port Colborne Quarries Inc. Pit 1. Portable equipment within the quarry (i.e., crushers, screeners, generators, etc.) will be refueled by a mobile fuel truck or equivalent and follow all applicable Liquid Fuels Handling code requirements.

	<ul style="list-style-type: none"> • General Operational Note 32 address the need for a Spills Response Plan. <ul style="list-style-type: none"> ○ Spill Response Plan: A Spills Response Plan must be posted on-site at all times in the scale house or administration office/trailer.
Several questions regarding who is financially responsible for the temporary realignment of the Wignell Drain.	PCQ would be responsible for all costs associated with the temporary realignment of the Wignell Drain. Approval through the Drainage Act would be required as noted by conditions on the Site Plan drawings.
Concern about negative impacts on the surrounding properties from noise, dust, traffic, and blasting.	<p>Technical studies for noise, air quality, and blasting were submitted and peer reviewed to ensure that the methodology, analysis, conclusions, and recommendations were completed in accordance with industry and provincial standards and the conditions of the ARA license.</p> <p>Through the ARA license the quarry would be required to operate in accordance with Provincial standards. A traffic impact study was also submitted with the application. Since the Statutory Public Meetings, changes have been made to the Site Plans to allow for truck queuing on the quarry property.</p>
Potential impacts from contaminated soils on the speedway lands, use of contaminated material for berm construction, and the need for timely clean-up of known and potential contamination.	<p>Through the pre-consultation process it was identified by JART that potential impacts from contaminated soil needed to be addressed through the application process.</p> <p>A Phase 1 Environmental Site Assessment (ESA) and Conceptual Soil</p>

	<p>Management Plan were requirements of a complete application.</p> <p>The Phase 1 ESA identified a number of areas of potential environmental concern (APEC) and concluded that additional investigations through a Phase 2 ESA would be required.</p> <p>Conditions have been included in the Site Plans to require the completion of the Phase 2 ESA, Final Soil Management Plan, and clean-up of contaminated soils.</p>
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A record of all public comments received for the applications can be found within Appendix D of the JART Report (Appendix C).

In 2020, the City of Port Colborne created a Joint Agency Review Team Public Liaison Committee (JART PLC). The purpose of the committee was to allow members of the public to provide input on the review process and comments on the applications. The committee held meetings at various stages of the application process to review the technical reports and studies. Following the vacancy of some members, staff have provided updates on the application at key junctures.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Environment and Climate Change
- Welcoming, Livable, Healthy Community
- Economic Prosperity
- Increased Housing Options

Conclusion:

This recommendation report follows an extensive review process across multiple disciplines. The recommendation report is meant to expand on the JART Report prepared by the JART's Aggregate Advisor. Following the review of all applicable materials submitted for the application, along with conclusions made by the JART and applicable peer reviewers, Planning staff confirm that all matters to date on this

application have been sufficiently addressed by the application. Planning staff conclude that the proposed Official Plan and Zoning By-law Amendments are consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, Regional Official Plan (2014), City of Port Colborne Official Plan, and will comply with the provisions of City of Port Colborne Zoning By-law 6575/30/18. The proposal represents good planning and Planning staff recommend that Council approve the applications. Should Council adopt the Official Plan Amendment, the file will be forwarded to the Niagara Region Council for final approval and implementation.

Appendices:

- a. Appendix A: Official Plan Amendment
- b. Appendix B: Zoning By-law Amendment
- c. Appendix C: Joint Agency Review Team (JART) Report
- d. Appendix D: List of All Materials Submitted

Prepared by,

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Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to adopt amendment no. 13 to the
Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Therefore the Council of The Corporation of the City of Port Colborne under Section 17(22) of the Planning Act, hereby enacts as follows:

- 1. That Official Plan Amendment No. 13 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
- 2. That the City Clerk is hereby authorized and directed to forward the adopted Official Plan Amendment 13 to the Regional Municipality of Niagara for final approval of the aforementioned amendment to the Official Plan for the Port Colborne Planning Area.
- 3. That this By-law shall come into force and take effect upon the final approval of Official Plan Amendment 13, by the Council of the Regional Municipality of Niagara.

Enacted and passed this ____day of _____, 2023.

William C Steele
Mayor

Saima Tufail
Acting City Clerk

AMENDMENT NO. 13
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA

PREPARED BY:
CITY OF PORT COLBORNE DEPARTMENT OF
DEVELOPMENT AND LEGISLATIVE SERVICES

November 2023

**AMENDMENT NO. 13
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

**AMENDMENT NO. 13
TO THE OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 13 to the Official Plan for the City of Port Colborne.

Date: _____

**AMENDMENT NO. 13 TO THE OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

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1. Department of Planning and Development Report

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, consisting of the following text and Schedule “A”, constitutes Amendment No. 13 to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of this amendment is to add a Special Policy Area to permit the proposed Port Colborne Quarries Inc. – Pit 3 Expansion. The amendment also includes amendments to Schedule A – City-Wide Land Use, Schedule B – Natural Heritage, Schedule B1 – Environmental Protection Area, Schedule B2 – Environmental Conservation Area, and Schedule C – Mineral Aggregate and Petroleum Resources.

Location

The lands affected by this amendment are legally described as Part of Lots 17, 18 and 19, Concession 2, formerly in the Geographic Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara. A detailed map of the subject lands is attached as Schedule “A” to this Official Plan Amendment No. 13.

Basis

- a) The Amendment was the subject of a Public Meeting held under the Planning Act, 1990 on March 7, 2023. Public and agency comments were addressed as part of the preparation of this Amendment.
- b) The Amendment will allow the Council of the City of Port Colborne to make a decision on the rezoning from Agriculture to Mineral Aggregate Operation and subsequently allow the Minister of Natural Resources and Forestry to make a decision to issue a quarry license under the Aggregate Resources Act.
- c) Based on the City's review of the Planning Act, 1990, the Provincial Policy Statement (2020), the Growth Plan (2020), the Regional Official Plan, the City's Official Plan and public and agency consultation, City staff is of the opinion that the Amendment is consistent, or does not conflict, with Provincial, Regional policies and City policies plans and, therefore, represents good planning.

Currently, the subject lands are designated “Agricultural”. An application has been made to initiate amendments to the City of Port Colborne's Official Plan and Zoning By-law as they relate to these lands in order to facilitate the development of 114 residential stacked townhouse dwelling units. The proposed density is 87.3 units per hectare.

The proposed development provides an opportunity for residential intensification at a location that is serviced by existing services and infrastructure. The subject lands are surrounded by residential, commercial and institutional land uses making them a highly suitable location for the proposed intensification.

It is intended to concurrently approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing "CP- Commercial Plaza" zone to "R4-72-H – Site-specific Fourth Density Residential Zone with Holding (H) provision". The proposal is consistent/conforms with:

- The Provincial Policy Statement (2020) by promoting growth within a settlement area;

- A Place To Grow (2020) by contributing to the minimum intensification targets and utilizing existing municipal services;
- Niagara Official Plan through the promotion of growth in urban areas; and
- Port Colborne Official Plan by introducing residential uses at an appropriate location, while meeting the City's intensification target and promoting growth within the Built-Up Area.

PART B - THE AMENDMENT

Introductory Statement

All of this part of the document entitled Part B – The Amendment, consisting of the following text and map designated Schedule “A”, constitutes Amendment No. 13 to the Official Plan for the City of Port Colborne.

The Official Plan for the Port Colborne Planning Area is hereby amended as follows:

Details of the Amendment

1. That lands shown on "Schedule A to Official Plan Amendment No. 13", shall consist of the following Schedule changes:
 - a) Change the land use designation from Agricultural to Mineral Aggregate Operation on Schedule A: City-Wide Land Use.
 - b) Add on Schedule A: “City-Wide Land Use”:
 - the refined limits of the evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and threatened species (0.6 hectare Blanding’s Turtle habitat compensation area) as ECA (Environmental Conservation Area).
 - Updated final location of the EPA (Environmental Protection Area) following the conclusion of the Wignell Drain realignment report. Any further refinement to the final location of the EPA associated with the natural hazard lands will not require an amendment to the Official Plan.
 - c) Add on Schedule B: “Natural Heritage”:
 - the refined limits of the evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and threatened species (0.6 hectare Blanding’s Turtle habitat compensation area) as ECA (Environmental Conservation Area).
 - d) Add on Schedule B1: “Environmental Protection Area”:
 - Updated final location of “Streams” and “Natural Hazard Lands” following the conclusion of the Wignell Drain realignment report. Any further refinement to the final location of the “Streams” and “Natural Hazard Lands” will not require an amendment to the Official Plan.
 - e) Add on Schedule B2: “Environmental Conservation Area”:
 - the refined limits of the evaluated, non-significant wetlands and 30 metre buffer as “Non-Provincially Significant Wetlands”;
 - the significant woodland and 10 metre buffer as “Significant Woodlands”.
 - the habitat of endangered and threatened species (0.6 hectare Blanding’s Turtle habitat compensation area) as “Significant Wildlife Habitat”.
 - Updated final location of the “Fish Habitat” and “Streams” following the conclusion of the Wignell Drain realignment report. Any further refinement to the final location of the “Fish Habitat” and “Streams” will not require an amendment to the Official Plan.
 - f) Add the subject lands to Schedule C: Mineral Aggregate and Petroleum Resources as a Mineral Aggregate Operation.

2. Notwithstanding Section 10 of the Official Plan for the City of Port Colborne,

the lands referenced on Schedule “A” of this amendment be permitted to be developed as a Mineral Aggregate Operation and the following Special Policy be added:

- An expansion to the existing Port Colborne Quarries Inc. quarry is permitted and referred to as Pit 3 Extension being eastwardly on approximately 100.2-hectare site located on the lands bounded by Regional Road 84 (Miller Road), Provincial Highway 3 (Main Street East) and Second Concession Road, on Part Lot 17, 18, 19 Concession 2 and Plan 59R-16702 in the City of Port Colborne.

Implementation and Interpretation

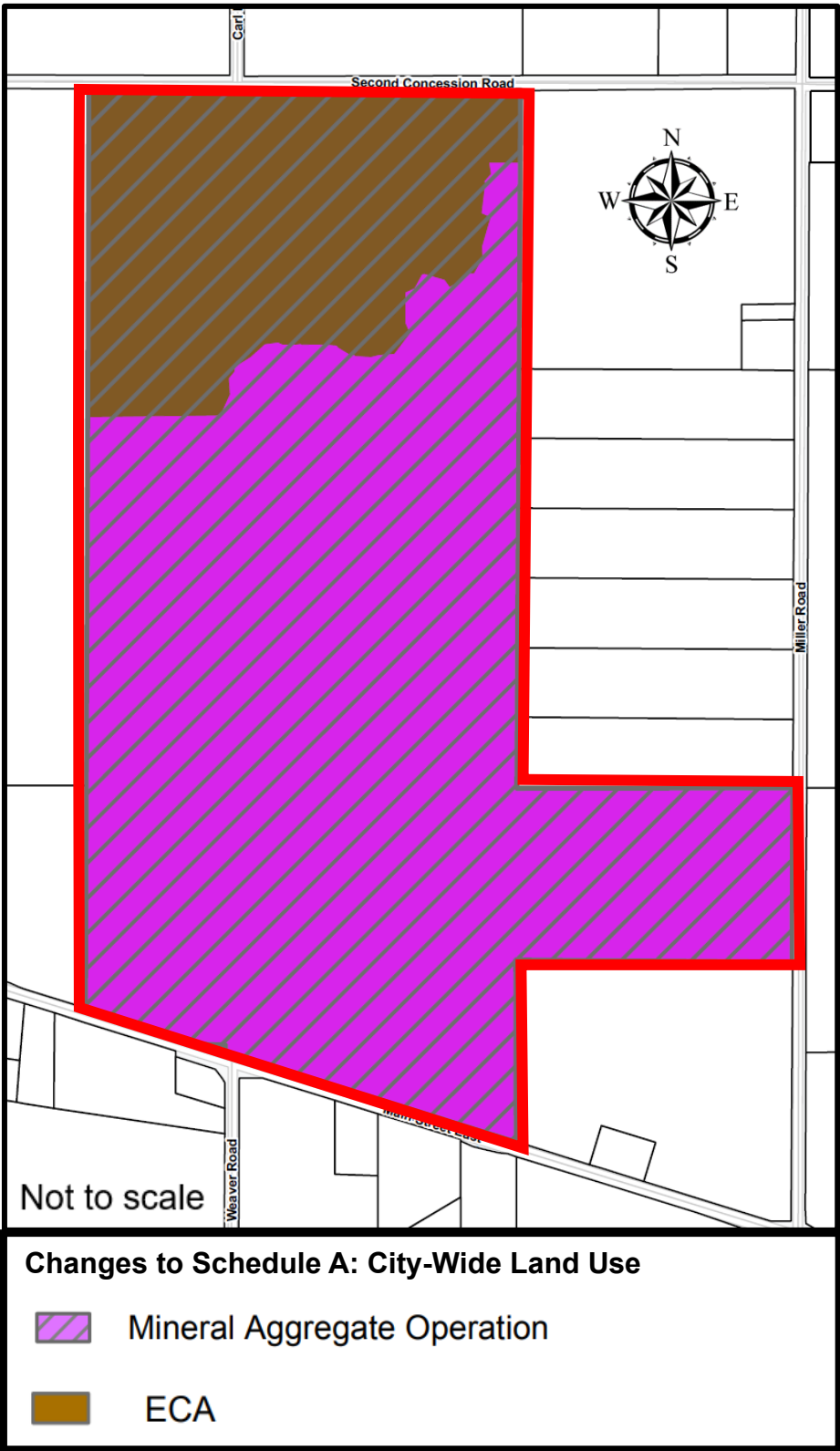
The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

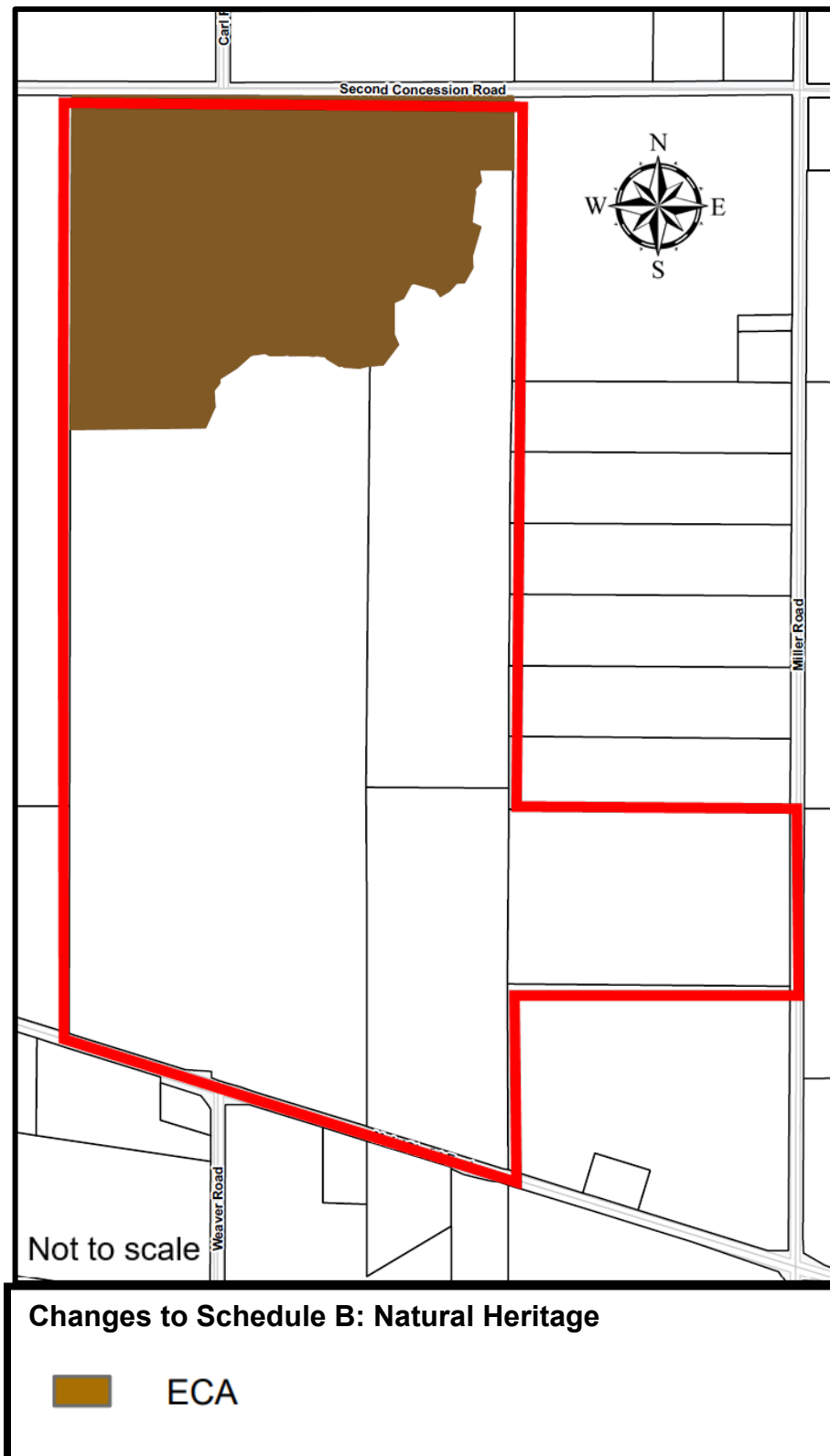
PART C – THE APPENDICES

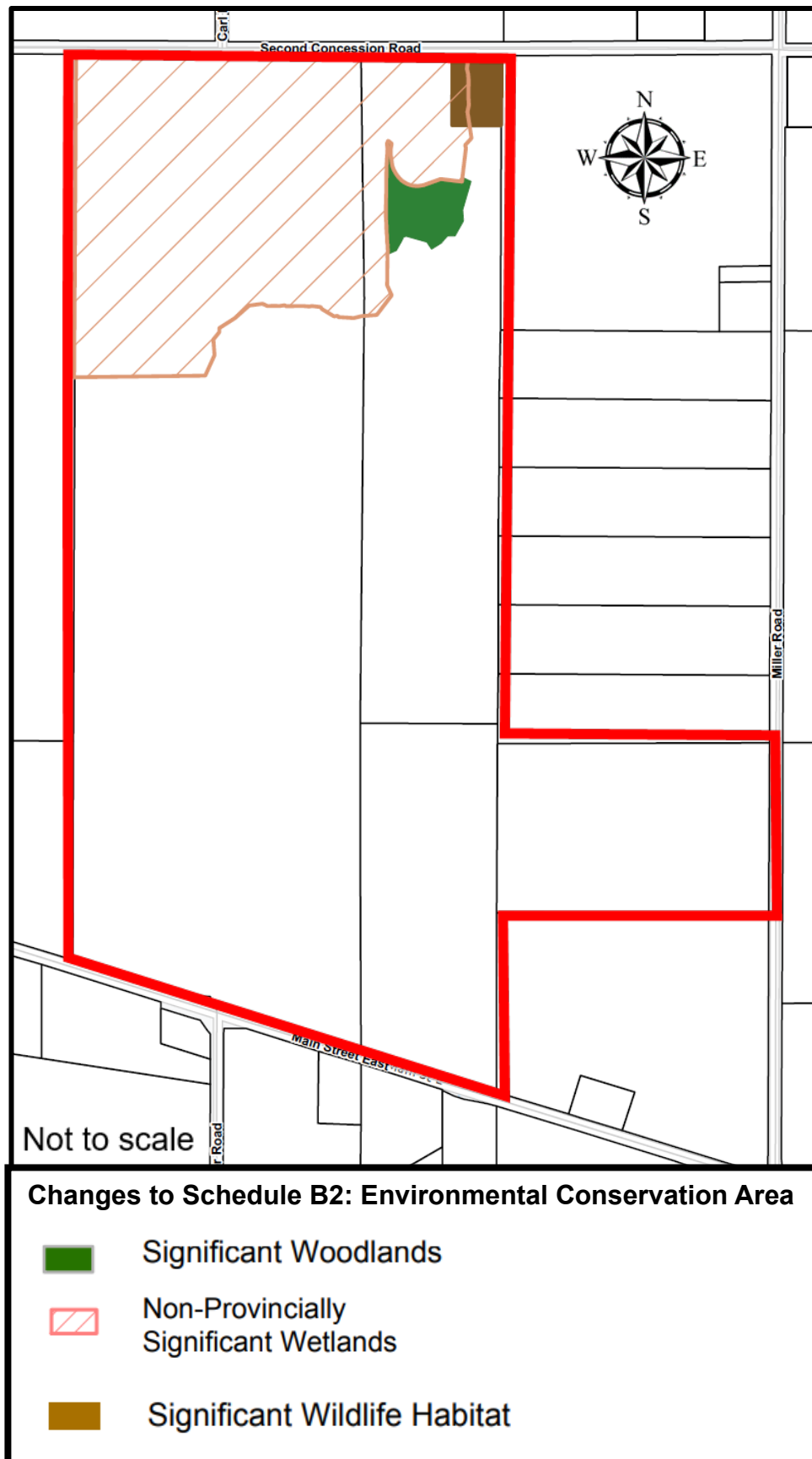
The following appendices do not constitute part of Amendment No. 13 but are included as information to support the Amendment.

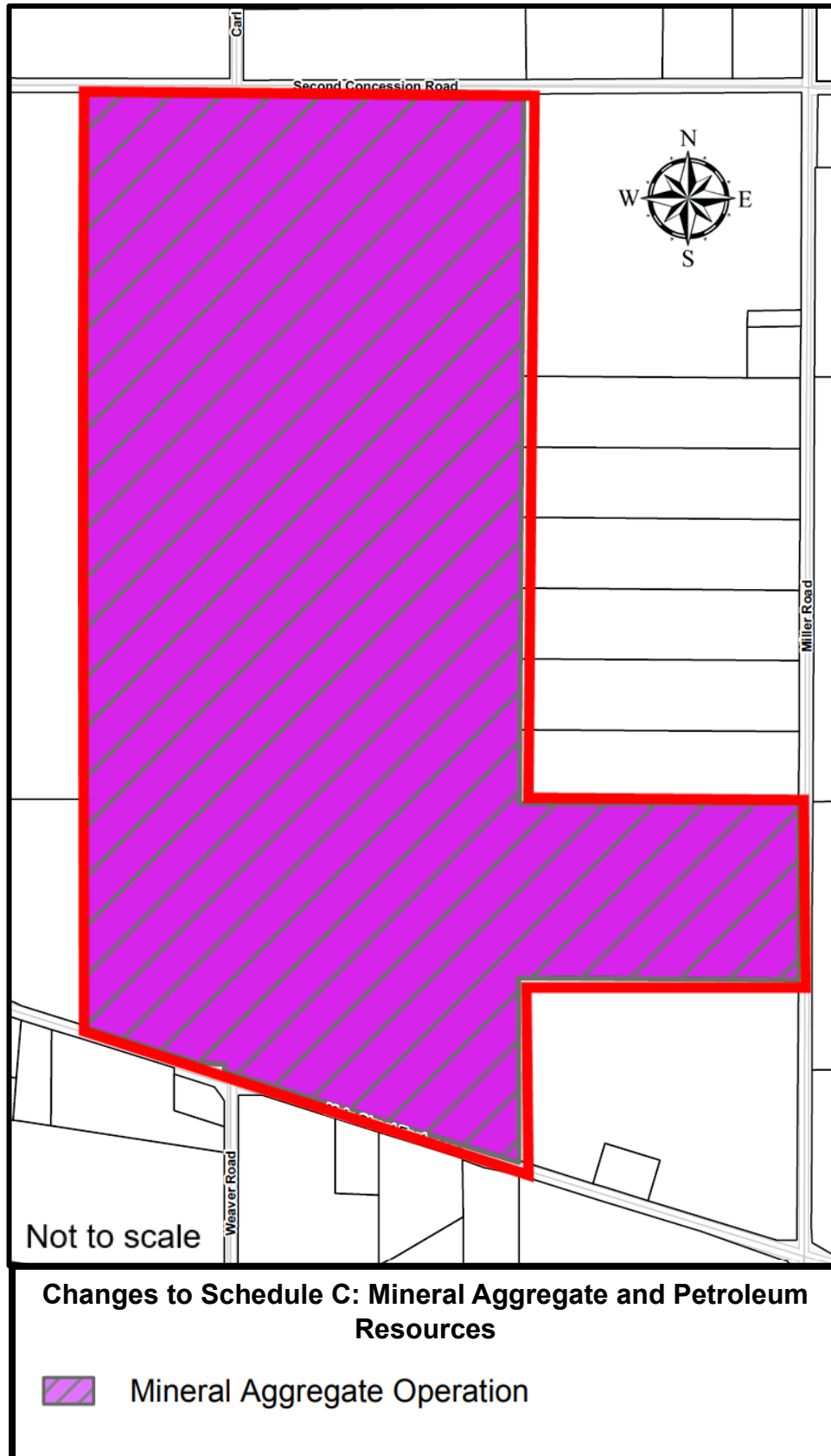
APPENDIX I – Department of Development and Legislative Services Report 2023-229

Schedule “A” to Official Plan Amendment No. 13.









The Corporation of the City of Port Colborne
By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lots 17, 18 and 19, Concession 2, formerly in the Geographic Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A4” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Agriculture (A) to Mineral Aggregate Operation – Special (MAO-75) and refine the limits of the Environmental Conservation Overlay in accordance with the final Environmental Impact Study.
3. That the Zoning Map referenced as Schedule “A5” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Agriculture (A) to Mineral Aggregate Operation – Special (MAO-75) and refine the limits of the Environmental Conservation Overlay in accordance with the final Environmental Impact Study.
4. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby amended by adding the following:

MAO-75 (Mineral Aggregate Operation – Special)

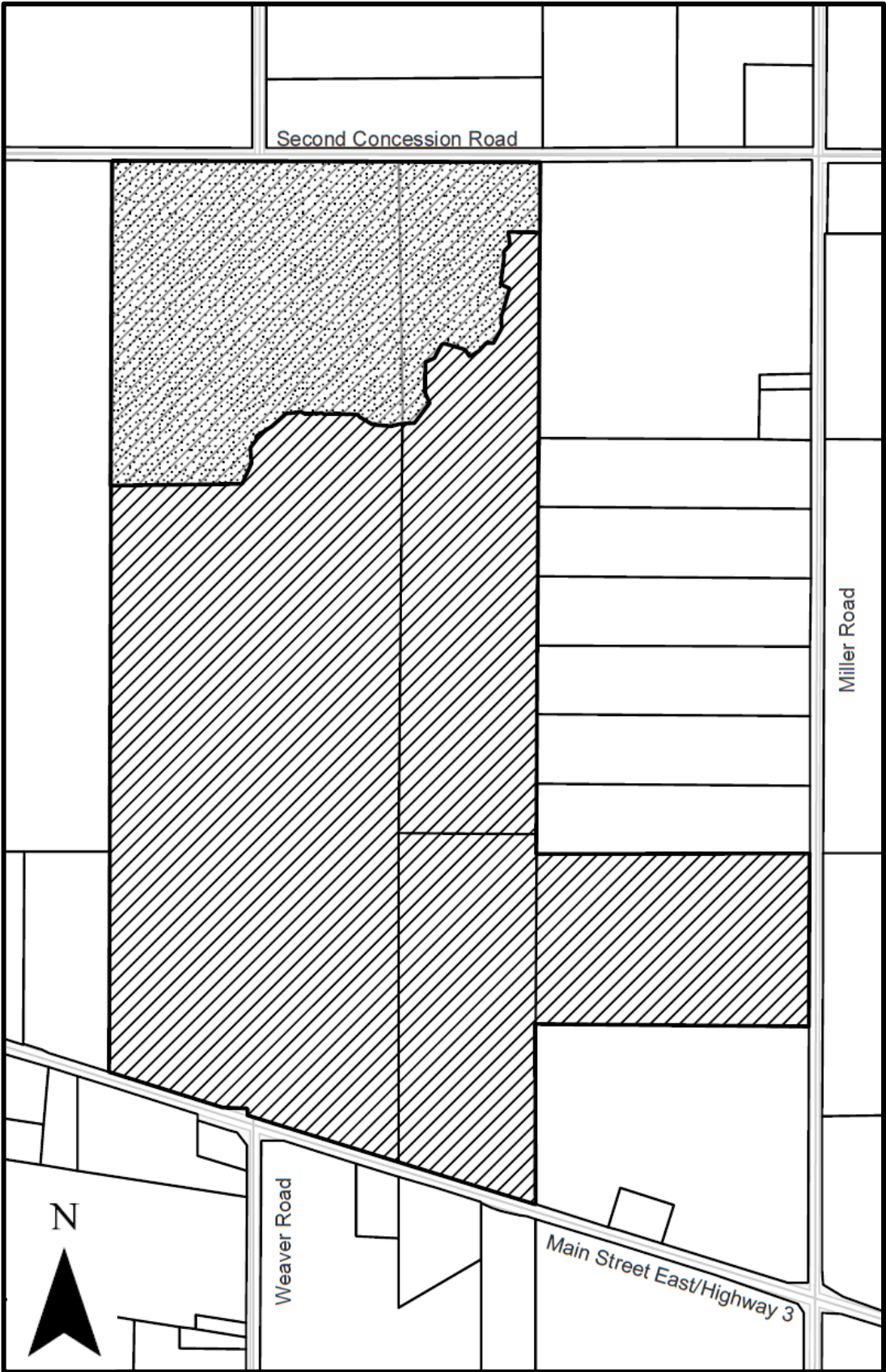
Notwithstanding the provisions of section 28.3 of the Mineral Aggregate Operation (MAO) Zone, the following regulations shall apply:

- a) No pit, quarry or excavation shall be made or established within 15 metres of any lot line which does not abut a public street or 30 metres of any lot line which abuts a Provincial Highway or 30 metres of any lot line which abuts any other public street.
5. This by-law shall come into force and take effect upon the final approval of Official Plan Amendment 13.
6. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the Planning Act.

Enacted and passed this day of , 2023.

William C Steele
Mayor

Saima Tufail
Acting City Clerk



<p>This is Schedule A to By-law _____</p> <p>passed this _____ day of _____, 2023</p>	<p>Legend</p> <div data-bbox="951 1997 1060 2059"></div> Lands to be rezoned to MAO-75
<p>Port Colborne Quarries Pit 3 Expansion</p> <p>Zoning By-law Amendment File No. D14-09-21</p> <p>November 2023 – Not to scale</p>	<div data-bbox="951 2126 1060 2188"></div> Lands to be rezoned to Environmental Conservation Overlay

JOINT AGENCY REVIEW TEAM (JART)

PORT COLBORNE QUARRIES INC. - PROPOSED PIT 3 EXTENSION CITY OF PORT COLBORNE



JART REPORT

September 2023

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1.0 Executive Summary

This report summarizes the background work, analysis, and findings of the Joint Agency Review Team (JART) in the review of the Port Colborne Quarries Inc. (PCQ) proposed Pit 3 extension applications.

Aggregate applications are complex, involving multiple review agencies that consider a broad range of technical issues including water resources, natural environment, archaeology, air quality, noise, blasting, traffic, and others. To coordinate the agency review process for the PCQ applications, the Niagara Region (Region), together with the City of Port Colborne (City) and Niagara Peninsula Conservation Authority (NPCA) established a Joint Agency Review Team (JART). The members of the JART worked together with the technical peer review consultants to review and consider all matters related to the aggregate application. The JART does not make a recommendation on the applications, but provides a central point of contact for the review, and issues a report once the review process is complete. This JART Report is intended to provide a resource that will assist the JART agencies in their individual recommendation and decision-making responsibilities.

The JART members, together with the peer review consultants who have been retained for this project, completed a series of reviews based on the initial application submission in March 2021 and subsequent resubmissions by the applicant in January 2022, October 2022, and August 2023.

This report provides a description of the proposal and outlines the required approvals, with a brief overview of the relevant planning policy framework and summarizes the technical reports and peer review comments provided through the process. The JART meetings, site visits, technical team meetings, and discussions with the applicant have resolved questions that have been raised through the technical review process. This JART Report has also documented the public comments provided through the application process.

2.0 Introduction

2.1 Purpose of the Report

In March 2021, Port Colborne Quarries Inc. (PCQ) submitted applications for an expansion to their existing quarry in the City of Port Colborne. The project is referred to as the PCQ Pit 3 Extension. The required approvals for the proposed quarry expansion include a licence under to the Aggregate Resources Act (ARA), administered by the Ministry of Natural Resources and Forestry (MNRF), as well as Planning Act approvals in the form of a Niagara Region Official Plan amendment (ROPA) and City of Port Colborne Official Plan amendment (OPA), as well as an amendment to the City of Port Colborne Zoning By-law (ZBA).

A review of the applications was coordinated by a Joint Agency Review Team (JART). The JART is a team of planning staff from the Region, the City, and the Niagara Peninsula Conservation Authority (NPCA) and is supported by an Aggregate Advisor. This JART Report was informed by the exchange of information between PCQ, their consultants, JART member agencies, the peer review consultants, and provincial agencies that provided input. In addition, public comments received through the review process have been considered.

The purpose of this JART Report is to:

- provide a plain language description of the proposal, the applicable policy framework, and roles and responsibilities of the City, Region, and Province in aggregate applications;
- provide a summary of the technical and peer review process;
- identify key issues that have been raised during the JART review and outline any items that still have not been resolved; and
- provide an overview of the public and stakeholder process that was undertaken.

This JART Report will then be used independently by planning staff at the Region and City as the technical basis to develop a planning recommendation report. The work of the JART also helps to inform comments made to the Province and applicant under the ARA.

2.2 Limitations of the Report

This JART Report does not make a recommendation on the Planning Act applications. It is a summary of the technical review completed since the relevant applications were filed in March 2021. The contents of this report are based upon information submitted up to September 12, 2023. The technical review was generally based upon the documents listed in **Appendix A** of this report, public input, technical meetings, and other informal discussions and correspondence with the applicant.

3.0 Planning and Regulatory Context

The policy framework for managing aggregate resources is complex, as it is governed by numerous policy requirements at the provincial, regional, and local levels. In considering new aggregate operations or expansions of existing aggregate operations, proponents are generally required to submit applications under two Provincial acts, the Aggregate Resources Act (ARA), and the Planning Act.

While the licensing and management of aggregate resource operations in the province is governed by the Aggregate Resources Act, land use planning considerations including siting of operations and assessment of impacts, is a municipal responsibility under the Planning Act.

As part of an ARA approval for a license, Section 12.1 of the ARA recognizes that the ARA does not stand alone and that the Planning Act also has to be complied with since it states that: “no license shall be issued for a pit or quarry if a zoning by-law prohibits the site from being used for a pit or quarry.” This means that the zoning on the lands has to expressly permit the use of the lands as a pit or quarry for a license to be approved by the Ministry of Natural Resources and Forestry (MNRF).

When making any land-use planning decision, it is necessary for the approval authority to review matters of provincial interests, as set out in S. 2 of the Planning Act and determine how they may be impacted through development. In the case of mineral aggregate operations, often more than one provincial interest must be taken into consideration, and it is the goal of land-use planning to balance and protect these competing interests in the most effective manner, keeping in mind the long-term planning horizon and the public interest.

3.1 Aggregate Resources Act and Regulations

The Aggregate Resources Act (ARA) is administered by the MNRF and provides guidelines for the management of aggregate resources in Ontario. The four established purposes for the ARA are to:

- a. to provide for the management of the aggregate resources of Ontario;
- b. to control and regulate aggregate operations on Crown and private lands;
- c. to require the rehabilitation of land from which aggregate has been excavated, and;
- d. to minimize adverse impact on the environment in respect of aggregate operations.

Section 12 of the ARA outlines the conditions that the Minister must consider in determining whether or not to issue a license. These are:

- 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 including on drinking water sources;

- 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.

Section 13 of the ARA indicates that the MNRF may include such conditions as are considered necessary within a license and that the MNRF has the discretion to add a condition or rescind or vary a condition at any time. In considering appropriate conditions and the Site Plan, the MNRF generally consults with commenting agencies including municipalities.

The requirements for aggregate rehabilitation are outlined in Part VI of the ARA. Section 48 indicates that "Every licensee and every permittee shall perform progressive rehabilitation and final rehabilitation on the site in accordance with this Act, the regulation, the site plan and the conditions of the license or permit to the satisfaction of the Minister." In addition, this section provides the MNRF with the ability to order a person to carry out progressive or final rehabilitation.

On May 9, 2017, Ontario passed the Aggregate Resources and Mining Modernization Act (Act). The Act introduced new licensing conditions, giving the Minister new regulation-making powers relating to the preparation of, and the documentation to be included in, applications. Many of the details related to these changes were outlined in regulation, which was introduced in August 2020.

MNRF restructured the program delivery for aggregates on April 1, 2020, introducing a new centralized department with a mandate for processing all aggregate license and permit applications, as well as site plan amendments and license transfers and surrenders. The restructuring also separated the application review function from the compliance and inspection function, leaving the responsibility for monitoring and enforcement of licenses with local District office staff.

3.2 Planning Act

The Planning Act is the central piece of legislation governing land-use planning in Ontario. It establishes the various types of planning tools that municipalities may use to control land uses and development within their communities. The Planning Act outlines the rules and responsibilities around preparing and updating official plans and zoning by-laws, public consultation and notice requirements, and appeal rights and dispute resolution. The Planning Act also describes how land uses may be controlled and establishes land-use decision making processes that are intended to be open, accessible, timely and efficient.

When carrying out its responsibilities under the Planning Act, a municipality or any other authority that affects a planning matter must have regard for the provincial interests as identified in Section 2 of the Planning Act. These include: the protection of ecological systems, including natural areas, features and functions; the protection of the agricultural resources of the Province; the conservation and management of natural resources and the mineral resource base; the resolution of planning conflicts involving public and private interests; the protection of public health and safety; and other interests as outlined in the Act.

The Planning Act is implemented by provincial land-use planning documents such as the Provincial Policy Statement (PPS) and Growth Plan and municipal land-use planning documents such as official plans and zoning by-laws.

3.3 Provincial Policy Statement

The Provincial Policy Statement (PPS, 2020) states that the vision for Ontario's land-use planning system may be further articulated through provincial plans. The PPS recognizes that the province's natural heritage resources, water, agricultural lands, mineral aggregate resources, cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. The province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fiber, minimize environmental and social impacts and meet its long-term economic needs. (PPS, Part IV).

Section 2.5.2.1 of the PPS recognizes that mineral aggregate resources are an integral component of the economy and makes it clear that the demonstration of need for mineral aggregate resources is not a factor in the development of resource strategies or in the consideration of individual applications, regardless of the municipality or location. The intent of this policy is to require that any application be considered on its land use merits only.

Section 2.5.2.2 provides the policy basis for the establishment of potential resource areas and to assess applications to establish resource uses. The determination of whether extraction minimizes social, economic and environmental impacts is an important consideration in making a decision on an application to establish a new resource use. It is also noted that the use of the word 'minimize' assumes and recognizes that some impacts may occur.

Extraction of mineral aggregate resources is recognized as a permitted non-agricultural use in prime agricultural areas (Sections 2.3.6.1a). The policies related to the identification and protecting long-term resource supply from development and activities that would preclude or hinder resource use are unchanged (Section 2.5.2).

A new policy has been added to Section 2.5.2.4 of the PPS that clarifies the responsibility for determining depth of extraction as a matter to be addressed through the Aggregate Resources Act process:

“Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations”. According to MNRF the intent of this change is to clarify that zoning should not distinguish between above and below water extraction (vertical zoning) and that the ARA regulates this matter.

In April 2023, the province introduced a proposed Provincial Planning Statement (proposed PPS, 2023) which proposed to consolidate the existing Provincial Policy Statement (PPS, 2020) and Growth Plan into a single integrated planning document. At the time of this report, the proposed changes are still under review, however, there is a possibility that the proposed PPS, 2023 will be in place at the time decisions are made on the ROPA, LOPA and ZBLA, and that the decisions will need to be consistent with the new PPS. Should this be the case, additional analysis would be provided in the respective City or Regional planning reports.

3.4 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The Growth Plan is a planning document that applies to the “Greater Golden Horseshoe” region of Ontario and guides decisions on a wide range of issues, such as transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage, and resource protection in the interest of promoting economic prosperity.

Related to mineral aggregate resources section 4.1 of the Growth plan notes: “Building compact communities and the infrastructure needed to support growth requires significant mineral aggregate resources. The Aggregate Resources Act establishes the overall process for the management of mineral aggregate operations, and this Plan works within this framework to provide guidance on where and how aggregate resource extraction can occur, while balancing other planning priorities. The GGH contains significant deposits of mineral aggregate resources, which require long term management, including aggregate reuse and recycling. Ensuring mineral aggregate resources are available in proximity to demand can support the timely provision of infrastructure and reduce transportation-related greenhouse gas emissions”.

In addition, the Growth Plan policies reflect a greater emphasis on protection of agricultural resources and requires that an Agricultural Impact Assessment be prepared to support development, including new aggregate operations, in prime agricultural areas.

3.5 Niagara Region Official Plan

The new Niagara Official Plan (NOP) was approved, with modifications, by the Minister of Municipal Affairs and Housing and came into effect on November 4, 2022. Policy 7.12.2.5 of the NOP states that development applications deemed complete prior to the date of the NOP approval shall be permitted to be processed and a decision made under the 2014 Regional Official Plan (ROP) policies. The PCQ Pit 3 Extension Regional Official Plan amendment application was deemed complete on July 8, 2021, and is therefore being processed under the 2014 ROP.

An amendment to the ROP is required because the proposed PCQ Pit 3 Extension is not identified on Schedule D4 as a Possible Aggregate Area, pursuant to ROP Policy 6.C.13.

Regional staff have and will be reviewing the requested amendment relative to all applicable ROP policies, with particular attention being paid to policy 5.B.7, Chapter 6 and policy 14.D.5. In addition to the ROP, it is the responsibility of Regional Planning staff to review the application for consistency with the PPS and conformity with applicable Provincial Plan (i.e. Growth Plan). Supporting technical studies have and will be reviewed relative to those ROP topic specific policies (e.g. natural environment relative to Chapter 7, etc.), in addition to relevant Provincial policies.

As noted above, the applications have been prepared to reflect the policies in the 2014 ROP. Section 6 of the 2014 ROP contains the policies related to mineral resources. The stated objectives of Section 6 of the ROP are:

- To ensure an adequate supply of mineral resources (including sand, gravel, stone and shale) for the short-term and long-term construction, chemical, and metallurgical needs within the Niagara Region.
- To ensure the suitable location, operation and rehabilitation of mineral extraction activities in order to minimize conflicts with both the natural and human environment of the Region.

The existing Port Colborne Quarries operation and the proposed expansion area are identified as “Potential Resource Areas: Stone” on Schedule D1 of the ROP. The ROP policies set out the general considerations for new aggregate operations or expansions to existing operations. These considerations include compliance with the policies in the ROP including those related to protection of the natural environment, as outlined in Section 7 of the ROP; compatibility with surrounding land uses; the impact on the natural environment including surface watercourses and groundwater; the proposed manner of operation, site plan and rehabilitation; and the proposed haul routes and impacts on roads.

3.6 City of Port Colborne Official Plan

Section 10 of the City’s Official Plan sets out the policies for mineral aggregate and petroleum resources. An amendment to the official plan is required for any new or expanded pit or quarry. The application requirements for a new or expanding pit or quarry are outlined in Section 10.2. The list of matters to be considered is similar to the items outlined in the regional official plan and includes: land use compatibility, potential impacts on the natural environment and on ground and surface water systems, potential impacts on surrounding agricultural operations, potential impacts on the transportations system, the proposed rehabilitation and other matters that the City deems necessary.

Schedule C of the Official Plan identifies existing Mineral Aggregate Operations, including PCQ Pits 1, 2 and 3 and shows potential resource areas. The expansion lands are identified as a potential bedrock resource area. The proposed Pit 3 Extension lands are currently

designated Agricultural with the northerly portion of the site currently designated as Environmental Conservation Area (ECA).

3.7 City of Port Colborne Zoning By-law

The zoning by-law is the legal document that implements goals, objectives and policies described in the official plan. It regulates the use and development of buildings and land by stating exactly what types of land uses are permitted in various areas and establishing precise standards for how the land can be developed. These include setting lot sizes and frontages, building setbacks, the height and configuration of buildings, the number and dimensions of parking and loading spaces and requirements for open space. Zoning by-law amendments are used for major revisions to the by-law such as land use changes or significant increases in permitted building heights and densities.

The subject lands are currently zoned A (Agricultural) and Environmental Conservation (EC) per the City of Port Colborne Comprehensive Zoning By-law 6575/30/18. An amendment to the zoning by-law (ZBLA) is required for the proposed pit extension. The PCQ application for rezoning proposes a change from the Agricultural (A) zone to the Mineral Aggregate Operations (MAO) zone to permit the extraction of mineral aggregates.

The provisions of the MAO zone in the Port Colborne Zoning Bylaw include a setback of 90 metres from “any lot line which abuts a provincial highway”. The Pit 3 Extension proposes a 30 metre setback from Highway 3, which is consistent with ARA requirements. The ZBLA requests a special provision to acknowledge the proposed 30 metre setback as a variance from the zone requirements.

4.0 The Joint Agency Review Team (JART)

The JART was established to coordinate the technical review of applications submitted by PCQ. This technical review, which is supported by a team of peer review consultants, is intended to form a resource for the JART agencies to help formulate recommendations and reach decisions on the applications based on their respective jurisdictions. The JART review considers the applications in the context of applicable provincial, regional and local planning policies and is based on the technical and other information, and public input, available at the time of writing. Staff from applicable provincial ministries have been engaged through the JART process as well.

4.1 Purpose of the JART

The purpose of the JART is to share information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner.

The JART does not make a recommendation on the application, rather the JART works to:

- ensure that the required range of studies and work is completed by the applicant;
- ensure that the studies are sufficient in terms of their technical content;
- review of the studies and work of the applicant either by technical staff or by peer reviewers;
- ensure a coordinated public and stakeholder consultation and engagement process; and
- prepare a technical JART Report on the application once all reviews are complete.

4.2 JART Members

The JART members for the PCQ proposed Pit 3 extension application include:

- Niagara Region
- City of Port Colborne
- Niagara Peninsula Conservation Authority (NPCA)

4.2.1 Niagara Region

The Region is responsible for implementing the regional official plan and reviewing the application relative to provincial policies and plans. The Region is the approval authority for the regional and local official plan amendments. The Region reviews Planning Act applications on the basis of the impact on surrounding land uses and the compatibility of the proposed development with existing and future land uses. As part of their role, the Region considers issues related to the environment, transportation infrastructure, financial impacts, cultural heritage, surface and groundwater resources, noise, dust, vibration, and impacts on human health.

4.2.2 City of Port Colborne

The City is responsible for implementing the City's official plan. City planning staff will make a recommendation on the City official plan amendment, and City Council will make a decision on the proposed amendment. As noted above, the Niagara Region the approval authority for the official plan amendment.

In addition, an amendment to the City's zoning by-law will be required to support the proposed quarry expansion. City planning staff will make a recommendation on the proposed zoning by-law amendment, and City Council will make a decision. The City is the approval authority for the zoning by-law amendment.

4.2.3 Niagara Peninsula Conservation Authority

The role of the NPCA as part of the JART has changed since the time of the pre-consultation and submission of applications. Initially, the NPCA was providing comments on natural hazards and supporting review of natural heritage. With the passing of Bill 23 in late 2022, Conservation Authorities are prohibited from providing natural heritage comments on a range of applications, including those under the Planning Act and Aggregate Resources Act. The role of the NPCA is now to provide comments and support the JART in the area of natural hazards.

In addition, Conservation Authority regulations do not apply to sites that are licenced under the Aggregate Resources Act (ARA). Therefore, the conditions of potential approval under the Planning Act or ARA cannot include the requirement to obtain a permit from the NPCA.

4.2.4 Aggregate Advisor

The Aggregate Advisor is an independent professional with experience dealing with aggregate applications and associated land-use planner matters. The Aggregate Advisor was retained by the Region on behalf of the JART and provides guidance and supports the JART throughout the length of the decision-making process for the regional official plan, local official plan, and zoning by-law amendment applications. The Aggregate Advisor also plays a crucial role in helping the JART understand and participate in the Aggregate Resources Act process.

4.3 Peer Review Consulting Team

Niagara Region, on behalf of the Joint Agency Review Team (JART) retained peer review consultants to review several of the technical studies which were required to support the application for the proposed extension of Port Colborne Quarry Pit 3.

For each of the technical disciplines, the work of the peer reviewers included:

- an initial site visit;
- a preliminary technical meeting with the applicant's consulting team;
- the review and comments on the first iteration of the technical studies;
- the review of the second and third iterations of the technical studies (as required); and
- participation in other technical and team meetings (as required).

Table 4-1 lists the JART peer review consultants for the PCQ applications:

Table 4-1: Peer Review Consultants

Technical Discipline	Firm
Noise, Air Quality, Blasting Impact	DST Engineering / Englobe
Hydrogeology (Groundwater)	TerraDynamics Inc.
Hydrology (Surface Water)	Matrix Solutions
Natural Heritage	Dougan & Associates
Financial Impact and Economic Benefits	Watson & Associates

The technical reviews of the Agricultural Impact Assessment, Social Impact Assessment, Visual Impact Assessment, Transportation Impact Study, Planning Justification Report, Rehabilitation Strategy, and ARA Site Plans were completed by JART and Aggregate Advisor with support from other Regional, City, and NPCA staff as required.

4.4 Provincial Ministries

The City and Region are responsible for implementation of provincial, regional, and local planning policy in a way that reflects unique local conditions and community values. This is achieved through regional and local official plans, and local zoning by-laws. The JART is the coordinating body for the review of the Planning Act applications. Certain matters, such as transportation of aggregate on municipal roadways, entrance permits onto municipal roads, municipal drainage approvals, and other matters not governed by the ARA or other provincial ministries are also municipal responsibilities.

Further to the municipal responsibilities, there are several provincial ministries involved in the review of the related application under the ARA. These agencies are not part of the JART; however, an understanding of the provincial perspective and position on the details of the application is helpful information for the JART process. The roles of these provincial ministries are briefly outlined below.

4.4.1 Ministry of Natural Resources & Forestry (MNR)

MNR oversees the review and decision-making on licences for new aggregate operations and is responsible for the management of existing operations through the ARA. This includes the monitoring and enforcement of aggregate operations to ensure compliance with licence and site plan conditions. MNR is the approval authority for the required ARA licence for the proposed quarry extension, and for any future amendments to the licence.

MNR's Aggregate Section manages the processing of the ARA application in accordance with the ARA and Regulations. Through the review process, JART periodically consulted with MNR staff regarding the ARA process, quarry design operations and rehabilitation, and Site Plan conditions. This conversation has been particularly important as it relates to the Wignell Drain realignment and the relevant Site Plan conditions.

The MNRF cannot issue a licence under the ARA unless the appropriate land use approvals (i.e. zoning) is in place to permit the use. Therefore, the Planning Act applications and approval of the zoning is considered a prerequisite for any decision on the quarry licence application.

4.4.2 Ministry of the Environment, Conservation and Parks (MECP)

The MECP is a commenting agency under the ARA and provides input regarding any effects of the proposed quarrying and related water management on drinking water supplies, local domestic wells, and nearby surface water features. MECP's Species at Risk Branch is also involved in the review of the ARA application.

MECP is also the approval authority for many of the required secondary permits, such as a Permit to Take Water (PTTW) for quarry dewatering, or a Environmental Compliance Approval (ECA) under the Environmental Protection Act in relation to noise (extraction, processing and on-site haulage), blasting, and air quality (primarily dust). Obtaining many of these secondary permits is often a condition of the ARA licence and/or a note on the ARA Site Plans.

4.4.3 The Ministry of Tourism, Culture, and Sport (MTCS)

The MTCS reviews and provides clearance on the archaeological assessment and provides comments on cultural heritage matters. MTCS has reviewed the archaeological assessment, and there are Site Plan notes requiring additional archaeological assessments must be completed in several identified areas of archaeological potential before any disturbance may occur.

4.4.4 The Ministry of Agriculture, Food and Rural Affairs (OMAFRA)

The OMAFRA provides comments as part of the ARA process on agricultural policy matters, as well as any minimum distance separation (MDS) concerns.

4.4.5 The Ministry of Transportation (MTO)

The MTO will become involved in the application process if the affected property is to be accessed by a Provincial Highway or is located in close proximity to a Provincial Highway. This is the case with the PCQ Pit 3 extension particularly as related to access onto Highway 3. The MTO has reviewed the proposal, and a future permit will be required before a new access onto Highway 3 can be constructed.

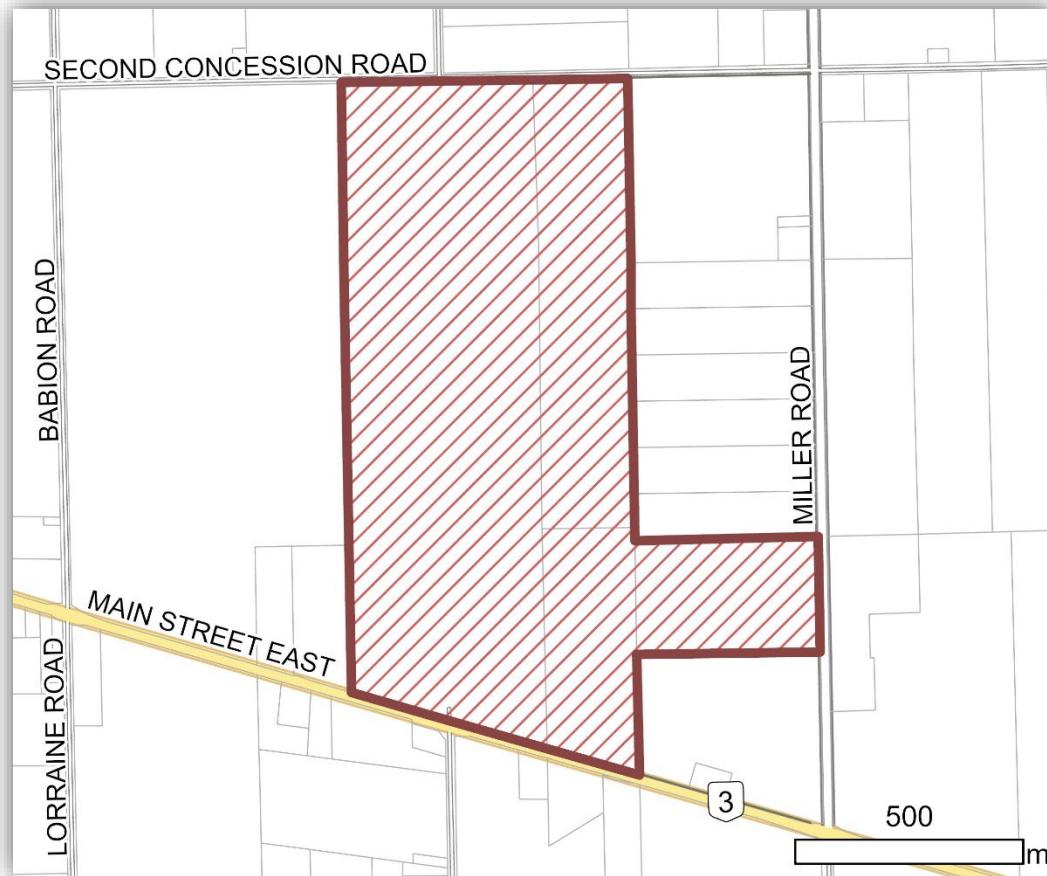
5.0 The Port Colborne Quarries (PCQ) Applications

The following sections provide an overview of the applications and required approvals.

5.1 Location

The proposed expansion to the Port Colborne Quarry is located north of Main Street East (Highway 3) on the south side of 2nd Concession, and west of Miller Road in the City of Port Colborne. The area is referred to as the Pit 3 extension and is immediately adjacent to the existing PCQ quarry operation on Highway 3. Figure 1 shows the location of the site.

Figure 1: PCQ Pit 3 Extension Lands



The quarry extension property is legally described as Part Lots 18 & 19 Concession 2, geographic Township of Humberstone in the City of Port Colborne. The proposed extension lands include part of the unopened road allowance between Lots 18 & 19 (Carl Rd.) situated between Highway 3 and 2nd Concession. The road allowance was acquired by PCQ from the City in 2020.

The area to be licensed includes the Humberstone Speedway, being a dirt-track car racing oval with grandstands. The racetrack lands are L-shaped extending to Miller Road to the east along with frontage on Highway 3 to the south.

The northern portion of the site is occupied by woodlands and wetlands. A municipal drain, known as the Wignell Drain, transverses the site.

The total area to be licensed is 100.2 hectares and the total area proposed to be extracted is 68.7 hectares.

Approximately two-thirds of the area consists of active agricultural lands and the remainder is above noted natural area (wetlands and woodlands). The proposed expansion is located outside of the urban area boundary of the City of Port Colborne.

5.2 The Existing Quarry

The existing PCQ operation is located on Highway 140 in the City of Port Colborne, north of Main Street East (Highway 3) and south of 2nd Concession. It is understood that the quarry first began operating in the 1950's and was acquired by its current owner, Rankin Construction, in 2007.

The existing quarry consists of three "pits" (Pit 1, Pit 2, and Pit 3). Quarrying activity in Pit 1 predates both the Pits and Quarries Control Act and the Aggregate Resources Act (ARA). As a result, Pit 1 is not licensed under the ARA and does not have a provincially required or approved rehabilitation plan. Pit 1 has been depleted for several decades, and is now the location for aggregate processing facility that supports the quarrying activities of the other two pits (Pit 2 and Pit 3). The processing area includes a series of wash ponds associated with the equipment. Accessory uses include an office, a scale house, shed and warehouse. Some backfilling has already been performed in Pit 1 for side-slope stabilization using imported material. Any future, final land use of Pit 1 will require official plan and zoning applications and related public process under the Planning Act.

Pits 2 and 3 are licensed under the ARA and the rehabilitation plans outline the after use of these pits to become passive recreational lakes. If approved, as operations progress into the proposed Pit 3 extension area, PCQ has indicated the plan is to relocate the main processing plant into Pit 3, so that it is closer to the area of extraction, and so that rehabilitation of Pit 2 can begin.

5.3 Surrounding Land Uses

The lands immediately to the west of the subject lands are licensed for aggregate extraction and are part of the existing PCQ operation. The lands to the north of 2nd Concession are primarily cultivated for common field crops.

There is a mix of agricultural and non-agricultural land use to the east and to the south. There are several commercial and industrial land uses including an auto wrecker's depot and automotive shop, dog grooming and kennel facilities, small engine, equipment and truck repair shops & service businesses located in the area, some of which are in close proximity to the expansion lands.

5.4 Description of the Proposed Quarry Expansion

It is proposed that extraction within the expansion area would be completed in three phases. Phase 1, which includes sub phases 1A, 1B, and 1X, includes most of the south, central and east portions of the property. As proposed, extraction would begin in the westerly limit of the site adjacent to the existing quarry. Extraction would proceed to the north into Phase 2 and 2X, and finally Phase 3X. A copy of the ARA Site Plans is included as **Appendix F**.

Extraction and processing will occur during daytime hours (7:00 am to 7:00 pm) during the week (Monday to Friday) and between 8:00 am and 3:00 pm on Saturdays with no operations on Sundays or statutory holidays.

The quarry will be extracted in two lifts with a maximum bench height of 8 metres for each lift. The proposed annual tonnage limit is 1.815 million tonnes to be combined with the permitted annual total for the existing quarry. As proposed, the expansion would permit the continuation of the existing operations at the current levels of production and shipping. Based on the reserve volume and the production limits, the expected life of the proposed Pit 3 extension is approximately 35 years.

Berms will be constructed around the perimeter of the site as shown on the Site Plans to provide noise attenuation and a visual screen. The berms will be graded and seeded and the public-facing side of the berms will be maintained with regular grass cutting.

During the start-up phase, a tree screen will be planted along the Highway 3 and Miller Road frontage to create a long-term shade canopy. The Site Plans notes indicate that a mixture of native deciduous and coniferous trees will be planted including red maple, sugar maple, elm, black oak, white pine, black walnut and black spruce.

A copy of the Site Plans including the site plan conditions is attached as **Appendix F**.

5.5 Primary Approvals Required

The following primary approvals are required to permit the proposed Pit 3 extension:

5.5.1 Planning Act

Region of Niagara Official Plan Amendment (ROPA)

- add to Section 8.8 (Port Colborne Site Specific policies), a new policy to permit the Port Colborne Quarry – Pit 3 Extension.
- add the subject lands on Schedule H – “Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations” as “Licensed Aggregate Operations”.
- add on Schedule C1 – “Natural Environment System Overlay and Provincial Natural Heritage Systems” the refined limits of the evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and

threatened species (0.6 hectare Blanding's Turtle habitat compensation area) as "Natural Environment System Overlay".

- add on Schedule C2 – "Natural Environment System: Individual Components and Features":
 - the refined limits of the evaluated, non-significant wetlands and 30 metre buffer as "Other Wetlands and Non Provincially Significant Wetlands"
 - the significant woodland and 10 metre buffer as "Significant Woodlands"
- revise on Appendix 1 – "Agricultural Hydrology Infrastructure" the realigned Wignell Drain as "Municipal Drain". Appendix 1 would be updated following any associated approvals under the Drainage Act.

City of Port Colborne Official Plan Amendment (D09-02-21)

- Add a special policy to permit the proposed quarry.
- Change the designation from Agricultural to Mineral Aggregate Operation on Schedule A: City-Wide Land Use.
- Add on Schedule A: "City-Wide Land Use":
 - the refined limits of the evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and threatened species (0.6 hectare Blanding's Turtle habitat compensation area) as ECA (Environmental Conservation Area).
 - Updated final location of the EPA (Environmental Protection Area) following the conclusion of the Wignell Drain realignment report. Any further refinement to the final location of the EPA associated with the natural hazard lands will not require an amendment to the Official Plan.
- Add on Schedule B: "Natural Heritage":
 - the refined limits of the evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and threatened species (0.6 hectare Blanding's Turtle habitat compensation area) as ECA (Environmental Conservation Area).
- Add on Schedule B1: "Environmental Protection Area":
 - Updated final location of "Streams" and "Natural Hazard Lands" following the conclusion of the Wignell Drain realignment report. Any further refinement to the final location of the "Streams" and "Natural Hazard Lands" will not require an amendment to the Official Plan.
- Add on Schedule B2: "Environmental Conservation Area":

- the refined limits of the evaluated, non-significant wetlands and 30 metre buffer as “Non-Provincially Significant Wetlands”;
 - the significant woodland and 10 metre buffer as “Significant Woodlands”.
 - Updated final location of the “Fish Habitat” and “Streams” following the conclusion of the Wignell Drain realignment report. Any further refinement to the final location of the “Fish Habitat” and “Streams” will not require an amendment to the Official Plan.
- Add the subject lands to Schedule C: Mineral Aggregate and Petroleum Resources as a Mineral Aggregate Operation.

City of Port Colborne Zoning By-law Amendment (D14-09-21)

- On Schedule A4 - Change the zoning from Agriculture (A) to Mineral Aggregate Operation special (MAO-XX) and refine the limits of the Environmental Conservation Overlay to align with the refined limits of the evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and threatened species (0.6 hectare Blanding’s Turtle habitat compensation area).
- On Schedule A5 - Change the zoning from Agriculture (A) to Mineral Aggregate Operation special (MAO-XX) and refine the limits of the Environmental Conservation Overlay to align with the refined limits of the evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and threatened species (0.6 hectare Blanding’s Turtle habitat compensation area).
- Amend Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, to include:

MAO-XX (Mineral Aggregate Operation – Special)

Notwithstanding the provisions of Section 28.3 of the Zoning By-law 6575/30/18, the following regulations shall apply:

- a) No pit, quarry or excavation shall be made or established within 15 metres of any lot line which does not abut a public street or 30 metres of any lot line which abuts a Provincial Highway or 30 metres of any lot line which abuts any other public street.

5.5.2 Aggregate Resources Act

- Class A - quarry below water license

5.6 Secondary Approvals Required

In addition to the primary approvals required under the Planning Act and ARA as listed above, there are a number of secondary approvals required for the proposed Pit 3 extension.

5.6.1 Environmental Compliance Approval (ECA)

If the Planning Act applications are approved, and a license is issued under the ARA, PCQ will be required to obtain an Environmental Compliance Approval (ECA) amendment application from Ministry of Environment, Conservation and Parks (MECP), for the dewatering. The technical documentation for the ECA application may include a Stormwater Management Plan and Report, an Environmental Impact Assessment (including a receiving watercourse assessment), a Site Plan and detailed description of the dewatering and quarry discharge activities.

5.6.2 Drainage Act

Approvals under the Drainage Act are required for the proposed realignment of the Wignell Drain. The City's drainage superintendent and drainage engineer have been actively involved in the process and assisting JART with the review of the applications. The proposed relocation through the northern portion of the site is the subject of a current Drainage Act application which is in the stages of being finalized at the time of this report. The proposed relocation of the drain through the eastern arm/dogleg of the quarry will require a future Drainage Act approval. Conditions have been included in the ARA Site Plans to outline the process that will be required under the Drainage Act for the relocation of both the sections of the Wignell Drain.

5.6.3 Species at Risk Act (SAR) Permit

There is ongoing consultation between PCQ and the Ministry of Environment, Conservation, and Parks (MECP) regarding an overall benefit permit (OBP) removal of Category 2 and Category 3 habitat for Blanding's Turtle on the site. A 0.6 hectare block has been set aside on the site and the detailed design of the compensation habitat is ongoing.

5.6.4 MTO Permit / Design Approval

In advance of any construction of the proposed Highway 3 access and east-bound left turning lane, PCQ will prepare updated reports and details of geometric improvements required at the intersection and intersection design layout based on future conditions (2034 and 2039). The report and designs will be provided to MTO before construction for the Ministry's review and approval. An MTO permit will be required.

5.6.5 Phase 2 ESA and Final Soil Management Plan

Prior to extraction commencing, further site investigation will be completed to prepare a Phase 2 Environmental Site Assessment (ESA) report for the Site in accordance with O. Reg. 153/04. The ESA will be used to update the Final Soil Management Plan such that it is consistent with the current and any future MECP On-Site and Excess Soil Management Regulations. The updated Soil Management Plan will include preparation of a site characterization report, an excess soil designation assessment report, and a soil tracking system that will be used for movement of on-site and excess soils.

5.6.5 Stage 3 (and possibly Stage 4) Archaeological Assessment

There are 10 archaeological sites identified on the Site Plans that have been recommended to undergo Stage 3 archaeological assessment prior to any intrusive activity that may result in their destruction or disturbance. The Stage 3 archaeology assessments must be conducted in accordance with the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Standards and Guidelines for Consultant Archaeologists to define the extent of each site, gather a representative sample of artifacts, and aid in determining the need for Stage 4 mitigation of impacts.

Until such time that the identified archaeology locations can undergo the recommended Stage 3 assessments, these areas shall be avoided and protected with a 70 metre buffer as shown on the Site Plans. Any site alteration is prohibited within the limits of the protected areas of the sites until such time that the MHSTCI has entered a report(s) in the Ontario Public Register of Archaeological Reports where the report(s) recommends that the archaeological site is of no further cultural heritage value or interest.

Should the Stage 3 archaeological assessments result in a recommendation for Stage 4 mitigation of impacts, the site in question will require the development and implementation of either a long-term avoidance and protection plan to preserve the site intact, or development and implementation of an archaeological excavation plan to recover and document the portion of the site to be impacted. The development of any Stage 4 mitigation strategy must involve the engagement of interested Indigenous communities.

5.6.6 MNRF Permit to Collect Fish (Humberstone ponds)

The ponds within the former Humberstone Speedway lands may contain fish, and if present, they shall be removed prior to dewatering and/or destruction of the ponds. This will require a MNRF permit to collect fish and it shall be obtained prior to relocation to avoid contravention of the federal Fisheries Act. Any native fish present are to be relocated to suitable nearby habitat and non-native fish are to be euthanized.

5.6.7 DFO Authorization (Wignell Drain)

The proposed overflow channel that is required for the Wignell Drain realignment will be designed with input and approval from Department of Fisheries and Ocean (DFO) to address issues related to pond size, capacity, maintenance, and weir design. The Site Plans include a condition which restricts any activities within 100 metres of the drain until the required authorizations are obtained. After any major storm event the settling pond is to be inspected for fish stock and, if observed, the fish will be transferred back to the Wignell Drain downstream of the quarry property.

6.0 Submission and Review Process

This section provides a summary of the submission and review process as well as highlights of the technical reports submitted, and technical and peer review process undertaken coordinated by the JART. This summary includes key dates in both the Planning Act and Aggregate Resource Act review processes.

6.1 Key Dates in Submission and Review Process

- **April 1, 2020** – Preliminary information meeting with the applicant. The purpose of this meeting was for the Region, City, and NPCA to meet with PCQ and representatives of their consulting team to better understand the proposal and to assist in preparing for the formal pre-consultation meeting to follow.
- **April 9, 2020** – Site visit by Regional Planning staff in advance of formal pre-consultation meeting.
- **April 20, 2020** – Site visit by Regional Planning and Environmental Planning staff. The purpose of the site visit was to inspect the woodland and surrounding buffer lands for the purposes of finalizing the scoping checklist for the Environmental Impact Study.
- **April 23, 2020** - A pre-consultation meeting was held at the request of the applicant. Planning staff from the Region, City, and NPCA met with the applicant (PCQ) and their consulting team. The Region and City confirmed the submission requirements including the required technical reports and other information. A Pre-Consultation Meeting Form was signed by all parties and formed part of the complete application package.
- **June 19, 2020** - Regional Staff provided an information memorandum to Regional Council about the pending submission of the PCQ applications (CWCD 166-2020). The memo outlined the various approvals required and indicated that a JART was being formed to coordinate the review of the proposal. A copy of CWCD 166-2020 is included in **Appendix C**.
- **July 27, 2020** – City Staff provide information to City Council regarding the JART process and to recommend the City's commitment to the JART Memorandum of Understanding (MOU). A copy of 2020-93 is included in **Appendix C**.
- **September 29, 2020** – City staff prepared a report (2020-118) to consider the establishment of a Joint Agency Review Team Public Liaison Committee (JARTPLC). A copy of the report is included in **Appendix C**.
- **December 17, 2020** – NPCA staff provide information to the NPCA Board regarding NPCA's role in the JART process (FA-62-20). A copy of the report is included in **Appendix C**.

- **January 2021** – Notice of Application under the ARA circulated to agencies and the public. Region, City, and NPCA individually respond with an objection on the basis that the appropriate land use approvals at both the Regional and Local level are not in place.
- **March 17, 2021** - Planning Act applications were submitted to the Region and the City (i.e. 1st submission of technical materials). A list of all material submitted is included in **Appendix A**.
- **April 15, 2021** – Planning Act applications deemed “incomplete” by Region and City Staff. The required Environmental Site Assessment (ESA) and Conceptual Soil Management Plan were outstanding.
- **April 16, 2021** – Region staff provide an update to Regional Council informing that the PCQ applications have been submitted. A copy of CWCD 2021-87 is included in **Appendix C**.
- **April 20, 2021** – PCQ hosts public information sessions (virtually) as required by the Aggregate Resources Act.
- **April to May 2021** – Individual technical meetings held between the JART peer reviewers and the PCQ consultants. The purpose of these meetings was to clarify technical aspects of the application before formal written comments were prepared.
- **June 4, 2021** – Site visit and tour with PCQ. This site visit included Region and City staff, the Aggregate Advisor, JART peer reviewers, PCQ staff and representatives from their consulting teams. The purpose of the site visit was to tour the site, look at the existing operations, and to view the expansion lands and surrounding land uses. A blast in Pit 3 was also observed during this site visit.
- **July 5, 2021** – Planning Act applications deemed complete by Region and City Staff.
- **July 28, 2021** – JART comment letter on the 1st submission provided to the applicant. A copy of the JART comment letter is included as **Appendix B**.
- **Sept 9, 2021** – City and Region host a public open house (virtually). A copy of the question and answer matrix from the public open house is included as **Appendix E**.
- **September 15, 2021** – Regional staff provided a project initiation report to Regional Council (PDS 35-2021). The purpose of the report was to advise that applications to amend the Regional Official Plan, the City of Port Colborne Official Plan, and the Port Colborne Zoning By-law have been made. The report also provided an update on the JART process. A copy of PDS 35-2021 is included in **Appendix C**.
- **January 31, 2022** – PCQ provides a response to the JART comments from July 2021 (i.e. 2nd submission of technical materials). A list of all materials provided as part of the 2nd submission is included in **Appendix A**.

- **July 4, 2022** – JART comment letter on the 2nd submission provided to the applicant. A copy of the JART comment letter is included as **Appendix B**.
- **October 4, 2022** – PCQ provides a response to the JART comments from July 2022 (i.e. 3rd submission of technical materials). A list of all materials provide as part of the 3rd submission is included in **Appendix A**.
- **October 2022 to June 2023** – Iterative review of the 3rd submission including several submission and resubmissions; partial comments from JART provided by e-mail; phone calls, technical and other meetings; and numerous iterations of the ARA Site Plan drawings. A list of all documents reviewed by the JART as part of the 3rd submission (and subsequent responses and resubmissions) is included as **Appendix A**.
- **January 31, 2023** – Formal 20-day Final Notice Letters under the ARA sent by PCQ to the Region, City, and NPCA. Agencies respond individually with a continued objection on the basis that the appropriate land-use approvals at both the Regional and local level are not in place.
- **March 7, 2023** - Planning Act Statutory Public Meeting – City of Port Colborne. A copy of the City's Staff Report (2023-42) is included in **Appendix C**.
- **March 8, 2023** – Planning Act Statutory Public Meeting – Niagara Region. A copy of the Region's Staff Report (PDS 5-2023) is included in **Appendix C**.
- **June 12, 2023** – JART comment letter on the 3rd submission provided to the applicant. A copy of the JART comment letter is included as **Appendix B**.
- **August 2, 2023** – PCQ provides a response to the JART comments from June 12, 2023 (i.e. 4th submission of technical materials). A list of all materials provide as part of the 4th submission is included in **Appendix A**.
- **September 12, 2023** – Revised Site Plan Drawings submitted by PCQ to address minor outstanding technical issues.

6.2 List of Technical Reports and Other Supporting Information

As identified through the Pre-Consultation Meeting Form, and as required by the applicable planning documents (PPS, Growth Plan, Region of Niagara Official Plan, and City of Port Colborne Official Plan), the applications were supported by a number of technical studies. In most cases the technical studies required to support the Planning Act applications are similar to those required to support the Aggregate Resource Act licenses application. The scope of the studies was designed to meet the requirements of both application processes.

In support of the applications, the following studies were submitted:

- Planning Justification Report
- Agricultural Impact Assessment

- Stage 1 and 2 Archaeological Assessment and Supplementary Documentation
- Cultural Heritage Screening Report
- Land Use Compatibility / Sensitive Land Use Study
- Air Quality Impact Assessment
- Best Management Practices Plan for the Control of Fugitive Dust (BMPP)
- Noise (Acoustical) Impact Study
- Blasting (Vibration) Impact Assessment
- Financial Impact Assessment / Economic Benefits
- Hydrological Assessment
- Hydrogeological Assessment, Level 1 / 2 Water Resources Study
- Natural Environment Level 1 & 2 Report (EIS)
- Tree Preservation Plan
- Comprehensive Rehabilitation Strategy
- Social Impact Assessment
- Traffic Impact Study
- Visual Impact Assessment
- Phase One Environmental Site Assessment (ESA) & Conceptual Soil Management Plan
- ARA Site Plans

Through the review and peer review process, a number of revisions were made to the technical documents and ARA Site Plan drawings to address comments from JART as well as provincial ministries through the ARA licence application process. In some cases, this included a revision to original document, in other case a stand-alone addendum or similar document was prepared. A complete list of all technical material submitted for review can be found in **Appendix A**.

A brief synopsis of each of the technical reports is presented below, with highlights of the questions raised through the JART review process and a summary of key revisions and responses provided by PCQ. A complete set of the JART comments are provided in **Appendix B**.

6.3 Planning Justification Report

A Planning Justification Report (PJR) was prepared and submitted as part of the application package. The PJR included a review and analysis of the application in the context of current provincial, regional and local planning policies. The PJR also served as the ARA Summary Statement and included an overall summary and outline of the application.

Through several iterations and resubmission of the PJR and supporting technical studies and analysis Regional and City Planning staff were satisfied that the relevant provincial, regional and local planning policies were adequately addressed by the applicant.

6.4 Agricultural Impact Assessment

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. The proposed Pit 3 extension lands are located within a Prime Agricultural Area as defined under the Provincial Policy Statement (PPS) and are designated as Good General Agricultural Area in the Regional Official Plan (ROP).

The PPS requires that impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands be mitigated to the extent feasible. Policy 6.C.5 of the ROP also requires that applications for new pits or quarries or expansions of existing licensed pits or quarries give consideration to compatibility with surrounding land uses. An Agricultural Impact Assessment (AIA) was prepared and submitted to satisfy the provincial and municipal planning policy requirements for new, non-agricultural land uses in agricultural areas, using the methodology outlined by OMAFRA.

The AIA notes that the majority of the expansion lands are currently in common field crop production. There are no farm operations on the subject lands. There are some active poultry operations located within the AIA study area as well as some small hobby farms and retired farm operations. The lack of agricultural infrastructure and land improvements on the subject lands, the level of fragmentation of agricultural lands and investments in agricultural land uses lower the agricultural priority of the area in comparison to other areas in Port Colborne and the broader Niagara Region. The AIA reports that there will be a permanent loss of approximately 50 hectares of CLI class 2 and 3 lands as a result of the below water excavation, however, provincial and local planning policies allow for this where there is a significant amount of aggregate below the water table and where alternatives have been considered.

The JART is satisfied with the conclusions and recommendations of the AIA.

6.5 Stage 1 and 2 Archaeological Assessment and Supplementary Documentation

The PPS, Growth Plan, and Region and City of Port Colborne Official Plan provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, development and site alteration (activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site) are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Stage 1 and 2 Archaeological Assessments were submitted with the applications, and recommended further work for several archaeological sites within the subject lands. There are Site Plan conditions which require Stage 3 (and possibly Stage 4) Archaeological Assessments to be completed before disturbance can occur in any areas of archaeological potential. There is also the requirement for a 70 metre buffer and fencing around the areas of archaeological potential.

A letter from the MHSTCI's has been received indicating the Stage 1 and 2 Archaeological Assessments are compliant with the Ministry's technical standards for archaeology. PCQ will be required to obtain further clearance letters from the MHSTCI as the State 3 (and possibly Stage 4) Archaeological Assessments proceed. Ongoing consultation with Indigenous communities is required.

6.6 Cultural Heritage Screening Report

According to the PPS, Growth Plan and Regional Official Plan, significant built heritage resources and significant cultural heritage landscapes shall be conserved. Heritage resources include buildings, structures, monuments, installations or any manufactured or constructed parts or remnants that contribute to a property's cultural heritage value or interest. Cultural heritage landscape refers to geographical areas that may have been modified by human activity and are identified as having cultural heritage value or interest. These landscape features may include buildings, structures, spaces, views, archaeological sites, or natural elements that are valued together for their interrelationship, meaning, or association.

A Cultural Heritage Screening Report was submitted with the applications. The JART has no concerns with the report, which concluded that no further Heritage Impact Assessment was required.

6.7 Land Use Compatibility / Sensitive Land Use Study

The PPS calls for a coordinated, integrated, and comprehensive approach to land-use planning matters. Specifically, sensitive land uses and major facilities are to be planned to "ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety..." Policy 6.C.5 of the Regional Official Plan also requires that applications for new or expansions to existing pits and quarries give consideration to compatibility with surround land uses. Further, Section 10.2.2 a) i) of the City of Port Colborne Official Plan requires that compatibility with adjacent, existing and planned land uses with respect to noise, dust, blasting, vibration and truck traffic be evaluated based on submitted studies in considering applications to amend the plan pursuant to Section 10.2 (a-d).

A Land Use Compatibility/Sensitive Land Use Study was prepared and submitted as part of the complete application requirements for the Planning Act applications and was informed by provincial guidelines. The report essentially summarizes the conclusions and recommendations of the air quality, noise and blasting impact assessments, and the mitigation measures that have been outlined in the reports and as Site Plan conditions to address issues related to land use compatibility.

JART has no outstanding concerns with this report. Detailed comments were primarily provided and addressed as part of the individual technical studies (e.g. air quality, noise, blasting, etc.). As part of the iterative review process, further revisions and updates were made

to the ARA Site Plans in regards to land use compatibility, which is the primary tool for implementation.

6.8 Air Quality Impact Assessment

An Air Quality Impact Assessment (AQIA) was prepared and submitted with the applications. The AQIA report characterizes the existing air quality in the area and predicts the cumulative impact of the quarry expansion through dispersion modelling. Indicator compounds considered in the assessment include particulate matter, crystalline silica, and combustion gases. The predicted emissions are measured against the provincial air quality guidelines provided by MECP. The report concludes that with the implementation of the recommended Dust Best Management Practices Plan (BMPP) the predicted air quality will be maintained below the limits set out in provincial air quality guidelines through the life of the proposed Pit 3 extension.

The AQIA was peer reviewed, through resubmission of the study, outstanding comments, questions, and concerns were resolved. The BMPP outlines preventative procedures and reactive controls to manage dust from the pit operations. These measures include watering off roadways, limiting truck speed through the site, control equipment for drill and blasting and reduced activity where warranted. Compliance with the BMPP is a Site Plan condition and enforced by the Province through the Aggregate Resources Act.

6.9 Noise (Acoustical) Impact Study

A Noise Impact Assessment (NIA) was prepared and submitted with applications. The NIA evaluated the potential impacts of the proposed expansion on neighbouring land users, using the guidelines provided by the MECP (NPC 300: Environmental Noise Guideline, Stationery and Transportation Sources). The noise sources from the proposed Pit 3 extension include processing equipment, drill and blasting equipment, and haul trucks.

The report assessed the impacts at 48 homes (referred to as “Points of Reception” or POIs) located around the perimeter of the entire PCQ operation (i.e., including the existing quarry operations in Pit 1, Pit 2 and Pit 3).

Through an iterative submission and review process the peer review process concluded that the report and associated addenda will meet the noise impact assessment requirements of the MECP.

Based on the recommendations of the NIA, in order to mitigate noise from the operations, a 4-metre-high berm is required along the south property line and a minimum 2-metre-high berm is required along the east and north property lines prior to extraction. The Site Plan conditions require all berms to be constructed before any extraction can occur on the site.

6.10 Blasting (Vibration) Impact Assessment

A Blast Impact Assessment (BIA) was prepared and submitted with the applications. The purpose of the BIA was to provide an assessment of the potential effects of the ground and air

vibrations that will be produced by the proposed quarry's blasting operations on adjacent receptors such as residences, structures, bedrock strata, water wells, and fish spawning depressions. The BIA also reviewed the provincial and federal guidelines for the assessment of environmental impacts from blasting.

The recommendations for blasting design and monitoring included in the BIA informed the preparation of Site Plan notes. The BIA Site Plan notes are included on Sheet 4 of 10. Associated with the BIA are the provincial standards associated with flyrock, which is addressed by the Site Plan notes included on Sheet 5 of 10.

The blasting peer review concluded that in the context of the requirements of blasting impact assessment the proponent has satisfied the requirements of the Aggregate Resources Act as it applies to the effects of blast induced vibration and overpressure (noise) on sensitive receptors, provided the proponent implements all the recommendations of the BIA.

6.11 Financial Impact Assessment / Economic Benefits

Section 14.D.5 of the Regional Official Plan includes criteria that are to be considered when there is a proposed amendment to the plan, including "the effect of the proposed change on the financial, health, safety, and economic sustainability of the Region." In order to assess this impact, a Financial Impact Assessment and Economic Benefits Study (FIA) was prepared and submitted with the application.

The stated purpose of this FIA is to demonstrate that the proposed Pit 3 Extension will have "minimal negative financial impact" on Niagara Region/the City of Port Colborne or their taxpayers, and to illustrate any direct or indirect financial benefits/costs to the affected municipalities. Key conclusions of the study included:

- The proposed quarry use is anticipated to increase the tax revenue generated from the Pit 3 Extension lands when compared to the existing uses.
- The existing and proposed quarry uses are not anticipated to have any impact on the Region's or City's capital programs. If any construction or upgrades are required through further study, PCQ is committed to enter into an agreement with the Region and/or City to cover the necessary costs.
- Annual production of 1 million tonnes is expected to generate \$31,200 for the Region and \$126,880 for the City in TOARC (The Ontario Aggregate Resource Corporation) fees.

Through an iterative submission and peer review process all of the outstanding comments, questions, and concerns were addressed. It was concluded that the analysis and study were completed in accordance with the terms of reference.

6.12 Hydrological Assessment

The consideration of impacts on water resources was an important aspect of the review process. A Hydrologic Assessment was prepared and submitted with the application and was

reviewed by staff from the Region, NPCA and the peer review consultant. The JART also reviewed the comments provided by MNRF related to surface water resources and potential impacts on the evaluated, non-significant wetland (assumed to be significant for planning purposes) located in the northern portion of the site.

The initial peer review comments, and the MNRF comments, identified concerns with potential impacts to the wetland in the northwest part of the extension area and the potential for the proposed drain realignment to have negative impacts to the wetland and other natural features on the site.

Because the Wignell Drain intercepts the majority of the wetland inflow, there is a possibility that the wetland's function and habitat could be permanently altered. Additional monitoring of the wetland was recommended by the peer reviewers and also by MNRF and has been incorporated into the revised Site Plan conditions.

The original report recommendation included two surface water monitoring stations located along Highway 3/Main Street East at the southeastern corner of the expansion lands at the East Branch of the Wignell Drain and in existing PCQ Pit 2 at the West Branch of the Wignell Drain. In response to JART comments, two additional surface water monitoring stations have been added, located in the northern portion of the site in the wetland area, for a total of four in the monitoring program.

PCQ will be required to obtain an Environmental Compliance Approval (ECA) amendment application from Ministry of Environment, Conservation and Parks (MECP), to include the proposed Pit 3 extension lands in the quarry dewatering permit. The ECA will require annual reporting of the water levels within the wetland to capture baseline conditions. As such, monthly low water level triggers will be identified and will be updated after each year of monitoring until the Wignell Drain is realigned. At the end of each calendar year of baseline water level monitoring, the range of observed water levels will be documented and submitted to MNRF.

The intent of the recommended mitigation scheme is to quantify typical water levels in the wetland prior to the Wignell Drain re-alignment or quarry expansion and provide timely mitigation to the woodlot in the event of sustained dry conditions. The specific details of the program are included as Site Plan conditions, found under the operating notes "Significant Wetland Area – Water Level Monitoring and Mitigation". The JART is satisfied that all outstanding concerns have been addressed.

6.13 Hydrogeological Assessment, Level 1 / 2 Water Resources Study

A Hydrogeological Assessment, Level 1/2 Water Resources Study was submitted with the application package.

Surface and groundwater resources were a key aspect of the JART review because of the potential impacts that quarrying below the water table may have on groundwater quality and quantity, as well as important natural environmental and aquatic features such as wetlands

and amphibian breeding pools. They are expressed through policy requirements that must be met by the ARA and Planning Act applications. The public also raised these issues as concerns particularly with respect to private well water impacts and groundwater quality in general.

A hydrogeological characterization of the site was initiated in 2017, which included drilling and installation of ten boreholes with monitoring wells, groundwater level monitoring and sampling and a well water impact assessment. The monitoring wells are distributed across the site and are shown on the Site Plans. Groundwater monitoring data has been collected on an ongoing basis through 2023. The study mapped the overburden thickness across the site which ranges from 0.5 metres in the southern portion and thickens northward to a depth of 10 metres or more at the north end of the site.

Key conclusions and recommendations of the hydrogeological assessment and iterative peer review and commenting process include:

- The groundwater elevation across the site has been determined by WSP-Golder to be approximately 178.0 masl.
- A well water monitoring program and private well complaint response protocol are included as conditions on the ARA Site Plans and are intended to address any issues with private well water interference that may arise during the life of the proposed quarrying operations. The Site Plan condition outline, in significant detail, a range of mitigation options that are available should a well interference complaint be received.
- A groundwater monitoring program has been included as part of the site plan conditions. The program includes 20 on-site wells, as shown on the Site Plans, and 3 additional wells which are to be installed prior to any quarry operations within the expansion area. The monitoring program requires recording of water levels monthly throughout the life of the site and water quality sampling every 5 years.
- The results of the Groundwater Quality Monitoring will be used to evaluate potential changes in water quality as the proposed quarry expands. The groundwater level monitoring will be used to assess the groundwater level drawdown associated with quarry dewatering as the quarry expands. The monitoring program will be used to evaluate potential impacts on surrounding wells and used as part of the hydrogeological and ecological disciplines to confirm no unanticipated effects on the natural environment.
- In order to implement appropriate response actions in a timely manner, the PCQ will retain qualified personnel in the areas of hydrogeology and will have water well contractors and a plumbing contractor on retainer in the event that the need for these services arises.

The JART is satisfied that all outstanding concerns have been addressed.

6.14 Natural Environment Level 1 & 2 Report (NER)

A Level 1 and 2 Natural Environment Technical Report (NER) was prepared and submitted with the applications. The NER is a requirement of the ARA and was scoped to also satisfy the JART requirement for an Environmental Impact Study (EIS). The purpose of the NER was to assess potential environmental impacts of the proposed aggregate extraction on the site with respect to the following:

- the environmental features and functions in the study area;
- the influence of extraction on the surrounding natural environment; and
- the rehabilitation potential of the site after extraction.

The NER reflects the requirements of the ARA as well as those outlined in the planning policies of the Region, City and NPCA. MNRF through their review of the ARA application also provided a series of comments on the NER and other natural heritage aspects of the proposal. The NER includes characterization of the natural environment and surrounding area, the evaluation of impacts of the proposed quarry and design of mitigation measures as appropriate, and rehabilitation of the site.

The Site Plan and Site Plan notes were revised several times to reflect the recommendations of the NER, peer review and JART comments, and MNRF comments. A key issue of the review process was the appropriate classification of the natural features and appropriate setbacks, as well as planting in several locations across the site to provide habitat enhancement. Through the iterative process it was concluded that the deciduous swamp would be considered a significant wetland for “planning purposes” (although it will continue to be classified as an evaluated, non-significant wetland) and will have a 30 metre buffer. The portion of the natural area to be designated a significant woodland will have a 10 metre buffer.

Additionally, a wetland monitoring program was added to the Site Plan conditions, to monitor any changes in the wetland over time, and will continue through the life of the operation. The results will be reported annually to MNRF and will be available to the Region, City, and NPCA on request.

Through the peer review and MNRF commenting process on the NER, several revisions were also made to the rehabilitation plans including the requirement for native and non-invasive plantings.

The JART is satisfied that all outstanding concerns have been addressed.

6.15 Comprehensive Rehabilitation Strategy

The PPS requires progressive and final rehabilitation to accommodate subsequent land uses, promote land use compatibility, recognize the interim nature of extraction and mitigate negative impacts to the extent possible. The Regional Official Plan (ROP) also requires that rehabilitation plans be suitable before licenses are issued or changed, and encourages progressive rehabilitation of operating pits and quarries to achieve compatibility with

surrounding land uses (policy 6.C.6 and 6.C.7 of the ROP). Final rehabilitation plans must take surrounding land use and approved land use designations into consideration, in accordance with the PPS. The PPS also states that comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.

The City of Port Colborne Official Plan states that sites within prime agricultural land will be progressively rehabilitated to agriculture, unless: there is substantial quantity of aggregate resources below the water table warranting extraction; the depth of planned extraction makes restoration of pre-extraction agricultural capacity unfeasible and other alternatives have been considered by the applicant and found unsuitable; and agricultural rehabilitation in remaining areas will be maximized.

To satisfy these provincial and municipal planning requirements, a Comprehensive Rehabilitation Strategy (CRS) was submitted with the applications. The CRS includes a Rehabilitation Plan/End Use Plan, Long-Term Monitoring and Comprehensive Rehabilitation Plan.

The CRS was revised in December 2021 in response to the JART comments to include greater clarity related to the timing and sequence of rehabilitation, expected number of years for the quarry lake to fill, and contemplated end use for Pit 1 and the licenced quarry operations. The revised report outlined milestone activities for progressive and final rehabilitation and indicate that the remaining reserves in Pit 2 and 3 will be exhausted within approximately 6-9 years with the proposed Pit 3 extension having a predicted life expectancy of 45 years. Once the dewatering pumps are removed, it is predicted that it may take 30 to 40 years for the groundwater to reach equilibrium (i.e., for the quarry lake to fill) for both Pit 2 and Pit 3.

The JART has no outstanding concerns in regards to the CRS and are satisfied that appropriate drawings and conditions have been included as part of the ARA Site Plans.

6.16 Social Impact Assessment

A Social Impact Assessment (SIA) was required by the City of Port Colborne to address Port Colborne Official Plan policies.

Following a review of a 2nd submission of the Social Impact Assessment, City of Port Colborne Staff indicated no outstanding concerns.

6.17 Traffic Impact Study

Provincial and Regional policies require that transportation systems be provided that are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs. Specific to proposed new or expansions to existing pits and quarries, the Regional Official Plan states that consideration be given to the proposed haulage roads and the possible effect on the roads and on adjacent development (policy 6.C.5e). In this regard, a Traffic Impact Study, was prepared submitted with the applications to address transportation

impacts on the local and Regional roads and Provincial highway. The TIS was reviewed by the Ministry of Transportation (MTO), Regional, and City transportation staff.

Following input received during the statutory public meetings, additional revisions to the Site Plans were made to address concerns raised by Councillors and members of the public. This included clearly providing space for the queuing of trucks on the quarry site, and updating the Site Plan notes to clarify that the construction of a deceleration lane, and any other required transportation upgrades would be at the cost of the applicant.

The JART is satisfied that all outstanding concerns have been addressed.

6.18 Visual Impact Assessment

To address land use compatibility matters per Provincial and Regional policy, as well as potential concerns from neighbouring land owners and residents, a Visual Impact Study, was prepared and submitted with the applications.

To mitigate potential visual impacts a range of berms are proposed. Details of the height and location of each of the berms are included as part of the Site Plan notes, which would be enforced through the ARA licence. There are no outstanding concerns related to the Visual Impact Assessment.

6.19 Phase 1 ESA & Conceptual Soil Management Plan

The PPS states that "sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects." The PPS defines "adverse effects" to include harm or material discomfort to any person, an adverse effect on the health of any person, and/or impairment of the safety of any person. A portion of the subject lands are currently used as a speedway, and therefore it was assumed that there was a high likelihood of contamination of some type.

Due to potential for groundwater and other contamination from reuse of fill from the property for berm construction, rehabilitation work for Pits 1 to 3, and other site works, a Phase 1 Environmental Site Assessment (ESA) and Conceptual Soil Management Plan (SMP) was required as part of a complete application.

The required analysis and reports were submitted prior to deeming the applications complete. Both the ESA and SMP were prepared in accordance with the Environmental Protection Act and associated regulations. Changes have been made to the Site Plan drawings and a number of conditions added to ensure that all known and potential contamination is adequately remediated.

Further discussion on this issue is included in Section 7 of this report.

The JART is satisfied that the updated Site Plan notes requiring additional investigations prior to extraction occurring are appropriate.

6.20 ARA Site Plans

The ARA Site Plans are the primary tool for implementing and enforcing the conditions of any approved mineral aggregate operation. In addition to reviewing the technical and other supporting studies, a review of the ARA Site Plans was undertaken by the JART and peer review team. A major component of the JART review process was to ensure that the conclusions and recommendations of each of the technical studies was adequately reflected in the design of the site, and that Site Plan notes and conditions were included as appropriate. Much of the latter part of the JART review process was focused on the Site Plans, notes, and conditions. The JART is satisfied that the ARA Site Plan drawings appropriately reflect the conclusion and recommendations of the technical studies submitted in support of the Planning Act applications. Consideration of the Site Plan drawings as it relates to the ARA, regulations, and standards of the Province is the responsibility of the MNRF.

7.0 Key Technical Issues of the Application

The following sections provide a more detailed description of key technical issues that were considered by the JART during the review process:

7.1 Realignment of the Wignell Drain

The realignment of the Wignell Drain (a municipal drain under the Drainage act) was one of the most significant technical issues related to the application. There were a range of issues identified in the first set of technical comments from the JART. This was followed by an iterative process of comments and resubmissions to resolve outstanding concerns. The City of Port Colborne's Drainage Superintendent and Drainage Engineer were heavily involved in the process. Provincial staff were also consulted in attempt to better understand the relationship between the Drainage Act and Aggregate Resources Act.

Through several iterations, the ARA Site Plans have been updated to include the proposed realignment of the drain, and several detailed notes to outline the various conditions. One of the fundamental issues is that any realignment of the drain will require approval under the Drainage Act. There is no certainty of the timing, or if this approval will occur. Phases of extraction marked with an "X" are those which depend on the drain realignment, and would not be extracted should the realignment of the drain not be approved. Detailed sketches and notes are included in the Site Plan regarding the drain realignment and Drainage Act approvals required.

There are two distinct sections of the drain that would require realignment to support the PCQ application. The City is currently preparing a Drainage Report through their consulting Drainage Engineer which would include the northern and north-eastern part of the site and would relocate the drain to the eastern limit of the Pit 3 extension lands, on PCQ owned lands

The second section that would require a realignment in the south part of the site where the PCQ property juts out to meet Miller Road. As proposed, PCQ would temporarily relocate the drain the outer limit of the property as this 'dog-leg' is being extracted. The 'dog-leg' would then be backfilled to grade to accommodate the drain being relocated westerly, near its original alignment. This section of the drain, both the temporary and is not part of the current drainage report and would require a second process and report under the Drainage Act. The Site Plan notes have been updated to reflect this.

The final design and other details for both of the drain realignments would be determined through the Drainage Act process, which is a public process and requires ultimate approval from the City of Port Colborne Council. The JART is satisfied that this technical issue has been resolved to a sufficient level of detail to allow the Planning Act applications to move forward.

7.2 New Quarry Access to Highway 3

Currently, PCQ truck traffic utilizes an entrance/exit onto Highway 140 via 2nd Concession Road. Initially, material extracted from the proposed Pit 3 extension will be hauled westward

through Pit 3, Pit 2, and to the existing processing plant located in Pit 1 (adjacent to Highway 140) and once processed, (crushed, screened, washed, blended), it will be shipped to the market via the existing entrance/exit. This access will continue during the initial extraction of Phase 1 of Pit 3 extension until such time that PCQ constructs a new point of access.

Early in the application process, the appropriate location for a new point of access was subject to significant discussion and coordination between PCQ, the City, Region and MTO. Initially PCQ preferred a point of access directly onto Highway 3, however MTO at first advised that the point of access should not be onto the Provincial Highway, but onto Miller Road. However, Regional transportation advised that significant upgrades to Miller Road would be required to support a quarry entrance, and that with a point of access onto Miller Road there was a much higher likelihood of trucks turning north, and using 2nd Concession to reach Highway 140. Regional staff were involved in additional discussion with MTO and it was agreed that a direct Highway 3 access was preferred, subject to the decommissioning of other points of access (i.e. Humberstone Speedway) and the new quarry driveway being aligned with Weaver Road to the south. The new point of access would be subject to MTO design approvals and a MTO permit.

The Traffic Impact Study submitted with the application recommended the construction of an eastbound deceleration lane into the quarry and the overall quarry entrance will be constructed to meet provincial MTO standards. The report assumed the quarry will generate 154 trucks per day with 15.4 trucks during the a.m. peak hour. Intersection capacity analysis was conducted for both existing and future conditions and all were shown to operate at an acceptable level of service (LOS) during all scenarios. No geometric modifications or traffic signalization will be required at any of the study intersections, except for the Highway 3 access point.

In addition, based on the feedback received during the consultation process, the ARA Site Plan drawings were updated to clearly provide a location for truck queuing on the PCQ site. The entrance gate was moved and the noise berm was extended to accommodate this modification.

PCQ will be responsible for all applicable costs associated with the new entrance including engineering design, legal, any land acquisition (if applicable), land surveying, permits, construction, including letter of credit, and warranties.

7.3 Contamination and Clean-Up of Humberstone Speedway Lands

Through early pre-consultation on the project the potential contamination of the site associated with former and current race track uses on the property was identified as an issue. Both City and Region staff were concerned that if contaminated soil were to be used for berming or rehabilitation on the site there was the potential for environmental impacts including to ground and surface water. Similar concerns were received from the public during early consultation on the project. To address this issue, a Phase 1 Environmental Site Assessment (ESA) and a Conceptual Soil Management Plan (SMP) were required as part of the complete application.

Key conclusions of the ESA and SMP included:

- Based on the Phase 1 ESA, seven areas of potential environmental concern (APEC) were identified, a Phase 2 ESA in accordance with O. Reg. 153/04 is required. Boreholes and soil samples will be completed as part of the Phase 2 ESA.
- A Final Soil Management Plan and Site Characteristic Report consistent with the On-Site and Excess Soil Management Regulation O. Reg. 406/19 is required and will be prepared.
- PCQ is aware that manufactured soil berm materials are present at the Site which require a separate segregation area and environmental quality assessment to determine appropriate off-site disposal or re-use requirements.

Through several iterations, the Site Plan drawings were updated to reflect the conclusion and recommendations of the ESA and SMP including the requirement for the clean-up of contaminated soil and for further investigations to be completed. These requirements are included on the Site Plan drawings and would be enforceable through the ARA licence.

The issue of soil contamination and the potential for environmental impacts was again raised by several councillors and members of the public through the consultation process undertaken as part of the Statutory Public Meetings. A primary point of concern was that there was no firm timeframe associated with the additional work. There was a desire to see this work completed as early as possible, potentially before any extraction were to occur on the Pit 3 extension lands.

The Site Plans were then updated to include a condition which states that extraction will not occur east of the former Carl Road right-of-way until such time that all remediation has occurred on the speedway lands.

However, through the ongoing review by JART conflicting conditions were noted – specifically the requirement for berm construction on portions of the speedway lands prior to any extraction taking place within the expansion area. JART recommended that soil investigations and remediation/clean-up would need to occur first, followed by berm construction, before any extraction could occur on any the Phase 3 extension lands.

In June 2023, PCQ advised that the appropriate adjustments to the Site Plan drawings and notes would be made, with a full review of the proposed sequencing of extraction for each of the phases to ensure that the issues noted above are addressed.

The August 2023 version of the Site Plan drawings were further updated to address this issue. Site Plan note #33 has now been updated to read that “prior to any extraction occurring, the Licensee shall undertake an intrusive soil investigation related to the Humberstone Speedway lands... This investigation must be a Phase 2 ESA report for the site in accordance with O. Reg. 153/04 which will be used to update the Final Soil Management Plan...”. Note #33 was further updated to reflect the fact that some of the APEC overlapped with areas of

archaeological potential and that these site would need to be cleared from an archaeological perspective prior to the Phase 2 ESA drilling program commencing.

The JART is satisfied with the updated conditions requiring additional investigations in advance of extraction occurring.

7.4 Wetland Water Balance

Through the peer review of both the natural environment report and hydrologic assessment the issue of the wetland water balance was raised. Concerns were raised that when the Wignell Drain was realigned it would impact the wetland water balance (i.e. that overtime the wetland could become too wet or too dry). This potential issue continued to be a concern following the 3rd submission of the technical materials.

As part of the process to resolve this concern a technical meeting was held in January 2023, which included PCQ and their consulting team as well as the JART and the water resource peer review consultant.

Following an iterative process, a solution was developed by PCQ to allow for the management and monitoring of the wetland water balance. A diversion berm and hickenbottom weir structure will be constructed to allow for management of the wetland water balance as per the details on sheet 7 of 10. To support this management, a detailed monitoring and mitigation program has been designed and will be implemented by PCQ. The monitoring program is included as part of the Site Plans and is therefore enforceable through the ARA licence.

7.5 Appropriate Classification of Natural Features

On the northwest portion of the site there is a large natural feature comprised of both wetland and upland areas. An important aspect of both the Planning Act and Aggregate Resource Act application process has been the appropriate classification of these natural features. The appropriate classification of the features ensures that appropriate protections, setbacks, and mitigation measure can be required. The appropriate classification of the features also ensures that they can be appropriately designated and zoned through the Planning Act application processes.

Through the initial review of the application, the JART provided comments regarding the delineation, classification, and proposed setbacks. Additional information and analysis were requested as part of the next submission.

Similarly, the MNRF provided comments in regards the natural features as part of the review of the ARA application and Site Plan drawings. The MNRF comment letter dated May 5, 2023 included the following:

A portion of the Upper Wignell Drain Wetland Complex (current status: “evaluated – other”) overlaps the adjacent lands. In determining the presence of significant wetland(s) on and adjacent the site, consideration must be given to whether information gathered during the site investigations would impact the scoring and

evaluation result for this feature since extraction is proposed within the 120 m adjacent lands. Alternatively, the wetland complex can be assumed significant for planning purposes, identified as such on the site plan and then relevant provincial policies would apply (e.g., the need to demonstrate there will be no negative impacts on the feature or its ecological functions). If the wetlands will be assumed significant for planning purposes, further discussion is required to ensure the wetland size/boundary and certain minimum information requirements are met to adequately inform the impact assessment.

Based on the input and comments received from MNRF, PCQ made the decision to move forward with the option of assuming the identified wetlands were “significant for planning purposes”. The appropriate provincial planning policies, setbacks, and mitigation measures would be applied to the feature. The ARA Site Plan drawings were updated to show the features as ‘significant wetlands’. Based on that information, it was assumed at that time by the JART that the features had been reclassified as Provincially Significant Wetlands (PSWs).

As the review of the Planning Act applications progressed, there were discussions between the JART members on what would be the appropriate official plan designations and zones under the City’s zoning by-law, should the application be approved. PCQ was consulted as part of those discussion.

The August 1, 2023 Natural Environment response memo from WSP, on behalf of PCQ, provided input into these ongoing discussion, included the following excerpt:

“WSP’s position is that although this feature is assumed to be a Provincially Significant Wetland for planning purposes related to the PCQ expansion, and the appropriate setback, mitigation, and monitoring will be implemented, this feature is not currently a Provincially Significant Wetland. This feature is mapped as Evaluated, not Provincially Significant by the MNRF. This feature has not been re-evaluated and re-classified under the Ontario Wetland Evaluation System (OWES). The MNRF is the sole authority with the jurisdiction to designate a wetland a PSW. A wetland can only be designated as a PSW by the MNRF following an OWES evaluation demonstrating that the wetland meets the OWES criteria for Provincial Significance.”

To further understand this discrepancy, the provincial Aggregate Specialist at the MNRF assigned to the file was contacted. The e-mail response from MNRF included in part, the following:

- *“... In 2022, the ministry consulted on changes to the Ontario Wetland Evaluation System (OWES). A decision was posted December 22, 2022 making changes to OWES that came into effect on January 1, 2023. These changes can be found on the Environmental Registry of Ontario, posting number 019-6160. Under the new OWES, wetland evaluation falls on the consultant to conduct and determine significance.*

- *The ministry recommends WSP provide a new rationale to either assume the wetland would likely be significant or likely would remain evaluated not significant, if a new OWES evaluation would be completed based on the new rules set out in the updated OWES process.*
- *It is the Town and Region's jurisdiction to determine next steps for rezoning of the area based on the consultant's rationale."*

PCQ was provided the information from the MNRF Aggregate Specialist, and was asked to advise regarding the status of the wetland as recommended. The response from PCQ, through the ecology team as WSP concluded that:

...based on a review of the existing OWES evaluation, our field data, and the changes to the OWES system, the on-site wetland (SWD3-2) would likely remain evaluated -not significant based on a re-evaluation under the new rules set out in the updated OWES process.

The environmental planning team at Niagara Region was asked to review the analysis of WSP, and agreed with the conclusion.

Therefore, although the wetlands are site are "assumed to be Provincially Significant Wetlands for planning purposes". They have not been re-evaluated through the OWES process, and thus continue to be officially "evaluated, non-significant" wetlands. Should the application be approved, the wetland features, including 30 metre buffer, would be designated and zoned based on that wetland classification.

The remaining portion of the natural feature, which was identified as an upland vegetation community has been identified as a "significant woodland". Should the application be approved, this portion of the feature, including 10 m buffer, would be designated and zoned based on that woodland classification.

Similar to the issue of feature classification, through the iterative submission and review process, there were ongoing discussions regarding the inclusion of the features in the application area. Initially the natural features, including wetland areas, were proposed to be included as part of the application (i.e. within the area to be licenced under the ARA - but outside of the limit of extraction). Initial comments from the Province however lead to PCQ removing the natural areas from the application area. This was a concern for the JART, as both restoration and mitigation areas were proposed in the natural areas, if the features were not in the ARA licenced area (but outside of the limit of extraction), the conditions would not be enforceable by the province under the ARA. The final Site Plans represent the preferred option of the JART. The natural areas are included in the ARA licenced area (but outside the limit of extraction) to ensure that the restoration and mitigation requirements can be enforced. The natural features are protected through appropriate overlays in both the regional and local official plan amendments and zoning by-law amendment.

8.0 Public and Stakeholder Consultation

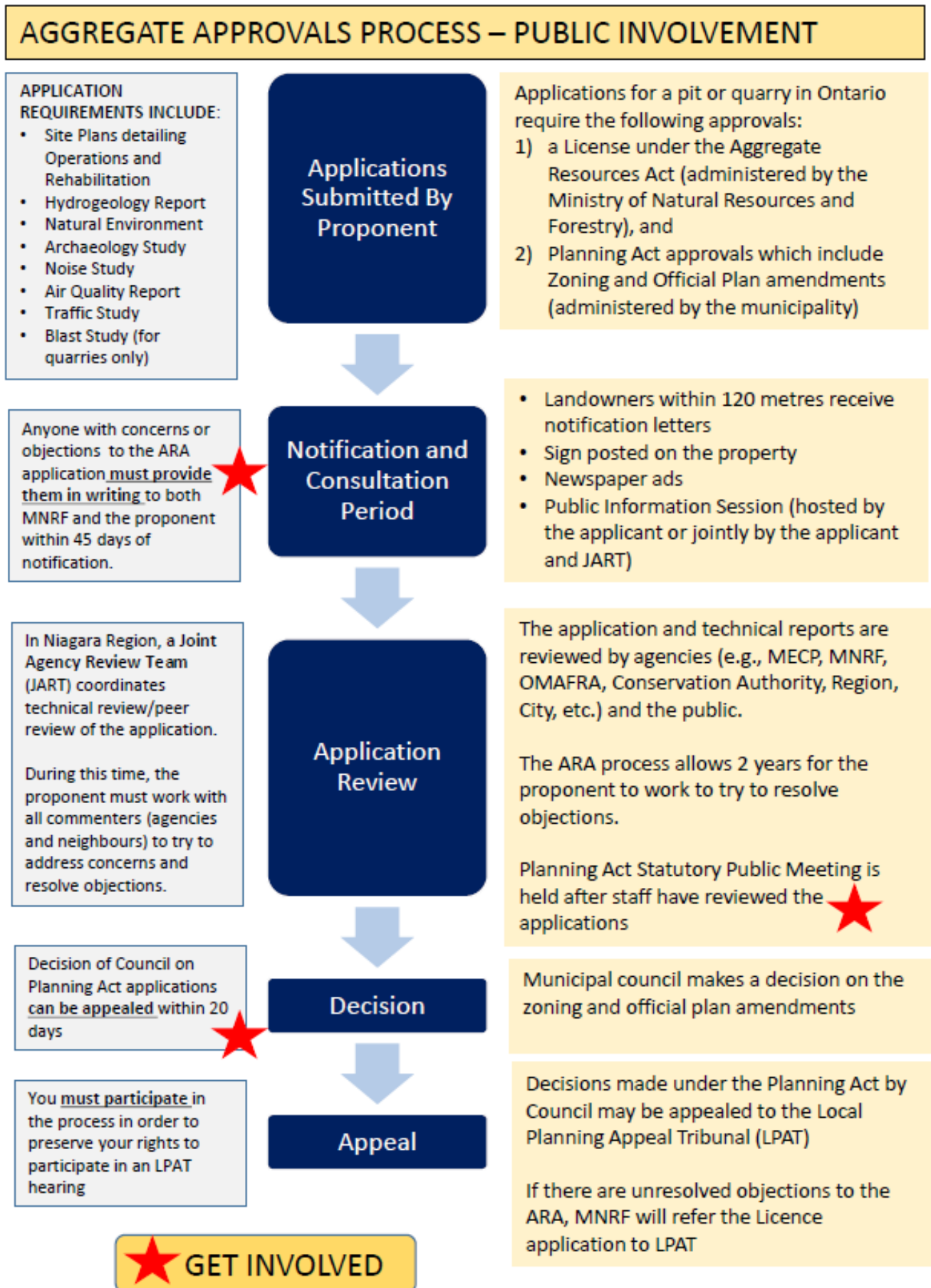
8.1 Overview of Public Consultation Process

Opportunities for public consultation on the proposed Pit 3 extension application were available through both the Aggregate Resources Act (ARA) and Planning Act processes as overviewed in **Figure 2**. The public consultation program included 2 public information sessions (one hosted by the applicant and one hosted jointly by the City and Region) and 2 Statutory Public Meetings as required by the Planning Act.

- April 20, 2021 - ARA Public Information Session (hosted by the applicant)
- September 9, 2021 - Public Open House (hosted jointly by City and Region)
- March 7, 2023 - Statutory Planning Act Public Meeting, City of Port Colborne
- March 8, 2023 - Statutory Planning Act Public Meeting, Region of Niagara

In addition to the public meetings and open houses, written comments were also received through the application process and form part of the consultation record. **Appendix D** includes a copy of all public comments received.

Figure 2: Public Involvement Process



8.2 Integration with Aggregate Resources Act Consultation Process

The ARA and Planning Act application processes have separate timelines and consultation requirements as set out in provincial regulations, and unfortunately there is no formal integration between the two. The ARA consultation process is largely proponent driven, and the applicant is responsible for advertising and providing notice and for organizing a public information session. Public comments or objections must be provided in writing to both the applicant and the MNRF within the 60-day notification and consultation period set out in the ARA regulations. The applicant must provide a response to all written objections and has up to 2 years to attempt to resolve any concerns that have been raised.

The Planning Act process has separate requirements for notice and the official plan and zoning by-law amendment applications are subject to a Statutory Public Meeting of municipal Council. In this case, since Planning Act approvals are required by both the Region and the City, there were separate Statutory Public Meeting requirements.

Where possible, efforts were made to coordinate the public consultation process to the extent possible. The Planning Act Statutory Public Meetings at the Region and City were organized in the same week for example. At the September 2021 public open house, hosted jointly by City and Region planning staff, an overview of the process was provided and it was explained the separate requirements related to notification and advised that public comments should be submitted through both the ARA process (to the applicant and MNRF) and the Planning Act process (to the City and Region).

8.3 Public Liaison Committee

The City of Port Colborne passed a by-law in 2020 to establish a Joint Agency Review Team Public Liaison Committee. The purpose of the committee was to allow members of the public to provide input into the review process. The committee was established with four members of the public (R. Henderson, C. Mitchell, G. Babion and K. Klauck). With some of the Committee members vacating their positions, the City intends to recruit new members in the near future.

Committee meetings have been held at the various stages throughout the application process (e.g. prior to the Open House, prior to the Public Meeting, at times where a new submission has been received etc.).

Throughout the application process, City of Port Colborne Planning staff have provided updates on the PCQ applications and have answered the committee's questions throughout their review of the submission materials. The goal of the committee is to provide comments on the applications to City Council when the applications are brought to Council for a decision.

8.4 Public Open House

A virtual Public Open House, hosted jointly by the Region and the City, was held on September 9, 2021. There were 30 public participants at this meeting and representatives

from PCQ also attended to answer questions about the project. A copy of the question and answer sheet from the open house is attached as **Appendix E**.

8.5 Record of All Comments Received

A record of all comments received by the JART over the course of the application process is attached as **Appendix D**. These comments are primarily those received in response to notification on the Planning Act applications or as submissions from the Statutory Public Meetings. In some cases, the JART was also copied on submission made in response to the ARA notifications. These comments were also considered, and are included in **Appendix D** for the completeness of the record.

8.6 Summary of Comments and JART Response

Table 8-1 summarizes comments that were received throughout the consultation process as well as the response from the JART.

Table 8-1: Summary of Public Comments and JART Response

Comment	JART Response
<p>Concerns were raised that if Babion Road was included as part of the proposed extraction it would further delay the rehabilitation of the existing quarry to a passive lake.</p>	<p>The extraction of Babion Road is not part of the PCQ application. PCQ does not own the Babion Road right-of-way. The initial application provided a conceptual rehabilitation scheme which considered the possible removal of the road, however the Site Plans were revised to remove this option.</p> <p>The JART confirms that the sale and closure or extraction of the Babion Road allowance is not part of the current Planning Act or Aggregate Resource Act applications by PCQ.</p>
<p>Several comments included historical complaints from the public regarding:</p> <ul style="list-style-type: none"> • Blasting • Domestic Wells • Well Interference • Pumping Discharge <p>Comments were received from the public that the quarry operator has a poor track-record addressing complaints from the public relating to operational standards</p>	<p>PCQ acknowledges there were past issues with how the previous quarry owner handled public-relations and how the quarry was operated.</p> <p>However, since Rankin Construction Inc. has owned/operated the quarry (July 2007), PCQ has advised that it has not received any complaints related to an operational issues including, blasting, flyrock or over-pressure property damage, noise, dust or any domestic water well interference. In addition, PCQ has advised that they have not received any formal complaints</p>

Comment	JART Response
including but not limited to blasting, noise, dust, and water discharge.	related to 'chalky discharge' from the quarry pumping.
Numerous comments from the public that the Pit 1 is subject to a 1982 Site Plan Agreement between the quarry operator and the City of Port Colborne. That the conditions of this Site Plan agreement should be enforced as part of the proposed Pit 3 extension.	The proposed application is for the extension of PCQ Pit 3. Pit 2, Pit 3, and the proposed expansion of Pit 3 would be licensed under the Aggregate Resources Act. The 1982 Site Plan Agreement relates to unlicensed Pit 1 and its conditions cannot be enforced through the Pit 3 extension applications. Ongoing discussions with the City will be required regarding the long-term use of the Pit 1 lands.
Many comments noted the need for timely progressive rehabilitation and a commented that there has not been enough progress on rehabilitation in the existing "pits".	<p>The JART agrees that there is a need for timely rehabilitation, especially in regards to PCQ Pit 2.</p> <p>Pit 2 cannot move to 'final rehabilitation' (creation of the lake) since PCQ must continue to transport material from the current Pit 3 through Pit 2 to Pit 1 for processing (crushing, screening, washing, loading) and trucked via their Highway 140 entrance/exit.</p> <p>As specified in the Site Plans, once the processing plant is relocated to Pit 3, and a new entrance/exit constructed onto Highway 3, then the Pit 2 dewatering pumps can be removed, and water will begin to fill the lands and the passive lake/final rehabilitation will occur.</p> <p>PCQ has advised that if the Pit 3 extension is approved, the timeline to open the new Highway 3 entrance and construct the necessary infrastructure to support the new processing plant would be about 5 years after the Pit 3 extension begins operations.</p>
Comments from the public that the proposal is not consistent with the Provincial Policy Statement (PPS) because the subject lands are designated as 'prime agricultural land'.	S. 2.5.4.1 of the PPS allows for the extraction of mineral aggregate resources on Prime Agricultural Land provided that the land is rehabilitated back to an agricultural condition. There is an exemption that does not require rehabilitation to an agricultural condition when

Comment	JART Response
	<p>extraction is below the water table provided the policy tests in the PPS are met. The Planning review of the application confirmed that the application meets the tests of the PPS with respect to extraction on prime agricultural lands. It is also important to consider that the policies of the PPS are to be read in their entirety rather than isolating individual sections.</p>
<p>Comments from the public that the proposed Pit 3 extension has the potential to impact the south Niagara aquifer and other important water resources, and that through dewatering, the drawdown or 'cone of influence' will result in domestic well interference.</p>	<p>Both a hydrogeological (groundwater) and hydrological (surface water) study were required to be submitted in support of the PCQ applications. Potential impacts to groundwater resources are an important consideration of both the Planning Act and Aggregate Resource Act processes.</p> <p>The hydrogeological and hydrological assessments were both subject to technical peer reviews.</p> <p>Included as part of the Site Plans are a number of conditions regarding groundwater testing and monitoring. As well as a range of other conditions to implement the recommendations of the hydrogeological and hydrological assessments. The conditions also include a Private Well Water Complaint Response protocol.</p>
<p>Comments from the public that the proposed Pit 3 extension has the potential to impact the natural environment.</p>	<p>A Natural Environment Report (NER) / Environmental Impact Study was completed as part of the ARA and Planning Act applications. The purpose of the NER was to evaluate the proposed quarry expansion in consideration of provincial, regional, local, and NPCA environmental policies and other requirements. The report was peer reviewed in addition to being reviewed by the MNRF and MECP Species at Risk Branch and JART.</p> <p>Based on the analysis and conclusions of the NER a range of mitigation measures were developed. These mitigation measures are</p>

Comment	JART Response
	<p>included as part of the ARA Site Plan drawings. If approved, the mitigation measures would be enforced through the Provincial license and other secondary ARA approvals that would be required. Examples of the range of environmental mitigation measures include:</p> <ul style="list-style-type: none"> • All surface water discharge to be regulated by an Environmental Compliance Approval (ECA) prior to any dewatering. • Conditions requiring the avoidance of bird breeding habitat. • Conditions requiring protection of fish habitat and/or relocation of fish species. Additional approvals from the Department of Fisheries and Oceans (DFO) would be required. • A requirement to implement wetland vegetation monitoring program. • A requirement to implement groundwater monitoring program. • A monitoring program for breeding bird and anuran (frog) call count surveys within the deciduous swamp. • Vegetation planting / restoration at several locations across the site. • A requirement to remove invasive shrubs prior to the planting and restoration of the Carl Road allowance through the northern wetland area. • Land set aside and conditions requiring PCQ to provide compensation habitat for Blanding's Turtle.
Concern / opposition regarding the reduction of the setback along Highway 3 from 90 metres to 30 metres. The need to protect the Highway 3 corridor.	PCQ has advised that they intend to move forward with application for the required zoning by-law amendment for the proposed reduction of the setback of the buffer from 90 metres to 30

Comment	JART Response
	<p>metres. The following was cited by PCQ as the primary justification.</p> <ul style="list-style-type: none"> • S. 2.5.2.1 of the PPS requires “as much of the mineral aggregate resource as is realistically possible shall be made available as close to market as possible. PCQ estimates that there are approximately 1.7 M tonnes in the setback area. The south end of the site adjacent to Highway 3 also represents the deepest portion of the aggregate on the site. • A 30 m setback is the Provincial standard setback for aggregate operations and roads. • A landscape berm along Highway 3 is required.
<p>Concerns related to a new quarry access onto Highway 3 including total number of trucks and queuing of trucks on the public highway.</p>	<p>Since the Statutory Public Meetings in March 2023 updates have been made by PCQ to the Site Plan drawings in attempt address this issue including:</p> <ul style="list-style-type: none"> • Redesigning the new entrance on Highway 3 to accommodate the queuing of up to 11 trucks inside the quarry property, including moving the entrance gate and lengthening the berm. • Updating to Site Plan notes to clarify that any costs for a deceleration lane or other improvements to Highway 3 are at the cost of PCQ.
<p>Questions regarding the status of MTO approvals for the proposed entrance/exit onto Highway 3.</p>	<p>MTO were involved in initial discussions with the Region, City, and PCQ and have expressed support for a new entrance onto Highway 3. MTO’s support was subject to the new entrance being across from Weaver Road, and other points of access to the site from Highway 3 (such as the driveway that serves Humberstone Speedway) being decommissioned.</p>

Comment	JART Response
	If the proposed quarry is approved, PCQ will be required to obtain design approval and a permit from MTO.
Questions from the public asking whether it continues to make sense to extract the 'northern finger/tab' (Phase 3) given its ongoing reduction in size and limited width.	PCQ has advised that there is significant volume of material in the northern tab to make the extraction economically viable. Extraction of the northern tab would need to be done in accordance with Provincial standards and any other conditions of potential approval.
The need to protect the northern significant wetland and significant woodland given the proximity of proposed extraction on two sides. Maintaining the wetland water balance.	<p>Through early iterations of the application the north-west natural features on the site did not include environmental buffers. Based on comments received from JART and the Province it has been confirmed that a large portion of the feature has been assumed to be a "significant wetland for planning purposes" and a 30 m buffer would be applied (although the feature will continue to be classified as a evaluated, non-significant wetland). The remainder of the feature has been classified as a significant woodland, to which a 10 m buffer would be applied.</p> <p>Given that the Wignell Drain is proposed to be realigned to accommodate the proposed quarry extension it was necessary to ensure that an appropriate wetland water balance would be maintained (i.e. that the wetland does not become either too wet or too dry).</p> <p>Through several iterations, and ongoing discussions with the JART and peer review consultants PCQ and their consulting team are proposing a diversion berm and weir to allow for management of the water levels. This would be supported by a monitoring and mitigation program which would be enforceable through the ARA license.</p>

Comment	JART Response
Comments from the public that the setbacks between extraction and the wetland / woodland should be increased.	Earlier iterations of the application did not include buffers / setbacks to the natural features. A 30 metres setback to the wetland (which has been assumed to be significant for planning purposes), and a 10 metres setback to the significant woodland is now proposed by PCQ and included as part of the Site Plans. Extraction is excluded from the buffer, and the buffer would be designated and zoned the same as the adjacent natural feature.
Comment from the public inquiring about the need for a spills response plan and about the need for a spill's containment pad for vehicles.	<p>In response to this question, PCQ has highlighted the following proposed conditions:</p> <ul style="list-style-type: none"> • General Operational Note 12: Fuel Storage: Fuel Storage: There will be no on-site fuel storage. Fuel storage will continue to be located in the Port Colborne Quarries Inc. Pit 1. Portable equipment within the quarry (i.e., crushers, screeners, generators, etc.) will be refueled by a mobile fuel truck or equivalent and follow all applicable Liquid Fuels Handling code requirements. • General Operational Note 32 address the need for a Spills Response Plan. <ul style="list-style-type: none"> ○ Spill Response Plan: A Spills Response Plan must be posted on-site at all times in the scale house or administration office/trailer.
Several questions regarding who is financially responsible for the temporary realignment of the Wignell Drain.	PCQ would be responsible for all costs associated with the temporary realignment of the Wignell Drain. Approval through the Drainage Act would be required as noted by conditions on the Site Plan drawings.
Concern about negative impacts on the surrounding properties from noise, dust, traffic, and blasting.	Technical studies for noise, air quality, and blasting were submitted and peer reviewed to ensure that the methodology, analysis, conclusions, and recommendations were

Comment	JART Response
	<p>completed in accordance with industry and provincial standards and the conditions of the ARA license.</p> <p>Through the ARA license the quarry would be required to operate in accordance with Provincial standards. A traffic impact study was also submitted with the application. Since the Statutory Public Meetings, changes have been made to the Site Plans to allow for truck queuing on the quarry property.</p>
<p>Potential impacts from contaminated soils on the speedway lands, use of contaminated material for berm construction, and the need for timely clean-up of known and potential contamination.</p>	<p>Through the pre-consultation process it was identified by JART that potential impacts from contaminated soil needed to be addressed through the application process.</p> <p>A Phase 1 Environmental Site Assessment (ESA) and Conceptual Soil Management Plan were requirements of a complete application.</p> <p>The Phase 1 ESA identified a number of areas of potential environmental concern (APEC) and concluded that additional investigations through a Phase 2 ESA would be required.</p> <p>Condition have been included in the Site Plans to require the completion of the Phase 2 ESA, Final Soil Management Plan, and clean-up of contaminated soils.</p>

9.0 Conclusion and Next Steps

The JART has completed its technical review of the proposed PCQ Pit 3 extension applications. Every attempt has been made to ensure a thorough and comprehensive analysis. The results are documented within this report.

The JART Report will be provided to the JART members to support the making of recommendations to their respective agencies. The Region and the City of Port Colborne will bring forward staff recommendations on the Planning Act applications (ROPA, OPA, and ZBA) for Council's consideration. The conclusion of the JART Report will also help to inform the City, Region, and NPCA in providing comments to the applicant and Province under the Aggregate Resources Act.

Appendix A

List of Technical Material Submitted

- List of Technical Material Submitted (dated September 14, 2023)

Port Colborne Quarries – Proposed Pit 3 Extension

ROPA, LOPA, ZBLA Applications – List of Technical Material Submitted

Documents can be accessed on the Port Colborne Quarries Website:

[Quarry Expansion Document](https://portcolbornequarries.ca/quarry-expansion-document) (<https://portcolbornequarries.ca/quarry-expansion-document>)

Item	Date Submitted
1st Submission	
1. Planning Justification Report, prepared by IBI Group (dated February 17, 2021)	• March 17, 2021 (1 st Submission)
2. Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated September 22, 2020)	• March 17, 2021 (1 st Submission)
3. Stage 1 and 2 Archaeological Assessment, prepared by Golder Associates Inc. (dated November 24, 2020)	• March 17, 2021 (1 st Submission)
4. Stage 1 and 2 Archaeological Assessment - Supplementary Documentation, prepared by Golder Associates Inc. (dated November 24, 2020) * Note – this document is not posted on the PCQ document because it contains sensitive information related to archaeological resources.	• March 17, 2021 (1 st Submission)
5. Cultural Heritage Screening Report, prepared by Golder Associates Inc. (dated July 17, 2020)	• March 17, 2021 (1 st Submission)
6. Land Use Compatibility / Sensitive Land Use Study, prepared by IBI Group (dated January 8, 2021)	• March 17, 2021 (1 st Submission)

Item	Date Submitted
7. Air Quality Impact Assessment, prepared by Golder Associates Inc. (dated December 2020)	• March 17, 2021 (1st Submission)
8. Best Management Practices Plan for the Control of Fugitive Dust (BMPP), prepared by Golder Associates Inc. (dated December 2020)	• March 17, 2021 (1st Submission)
9. Noise (Acoustical) Impact Study, prepared by Golder Associates Inc. (dated December 2020)	• March 17, 2021 (1st Submission)
10. Blasting (Vibration) Impact Assessment, prepared by Golder Associates Inc. (dated July 2020)	• March 17, 2021 (1st Submission)
11. Financial Impact Assessment / Economic Benefits, prepared by IBI Group (dated June 8, 2020)	• March 17, 2021 (1st Submission)
12. Hydrological Assessment, prepared by Golder Associates Inc. (dated November 2020)	• March 17, 2021 (1st Submission)
13. Hydrogeological Assessment, Level 1 / 2 Water Resources Study, prepared by Golder Associates Inc. (dated October 2020)	• March 17, 2021 (1st Submission)
14. Natural Environment Level 1 & 2 Report (EIS), prepared by Golder Associates Inc. (dated October 2020)	• March 17, 2021 (1st Submission)
15. Tree Preservation Plan, prepared by IBI Group (dated October 16, 2020);	• March 17, 2021 (1st Submission)
16. Comprehensive Rehabilitation Strategy, prepared by IBI Group (dated October 30, 2020)	• March 17, 2021 (1st Submission)
17. Social Impact Assessment, prepared by IBI Group (dated January 8, 2021)	• March 17, 2021 (1st Submission)
18. Traffic Impact Study, prepared by IBI Group (dated October 19, 2020)	• March 17, 2021 (1st Submission)

Item	Date Submitted
19. Visual Impact Assessment, prepared by IBI Group (dated December 23, 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
20. Completed Application to Amend the Regional Official Plan	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
21. Draft Regional Official Plan Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
22. City of Port Colborne – Application for Official Plan Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
23. Draft City of Port Colborne Official Plan Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
24. City of Port Colborne – Application for Zoning By-Law Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
25. Draft City of Port Colborne Zoning By-Law Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
26. Public Consultation Plan, prepared by IBI Group (dated March 15, 2021)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
27. Site Plan Drawings (1-8), prepared by IBI Group (dated February 9, 2021)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
28. Landscaping Plans (1-2), prepared by IBI Group (dated December 21, 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
29. Phase One Environmental Site Assessment (ESA), prepared by Golder Associates Inc. (dated June 16, 2021)	<ul style="list-style-type: none"> June 2021
30. Conceptual Soil Management Plan, prepared by Golder Associates Inc. (dated June 28, 2021)	<ul style="list-style-type: none"> June 2021
2nd Submission	
31. PCQ Application – 2nd Submission Cover Letter, prepared by IBI (dated January 31, 2022)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)

Item	Date Submitted
32. Revised Planning Justification Report, prepared by IBI Group (dated January 28, 2022)	• January 31, 2022 (2nd Submission)
33. AIA Response to JART Comments Letter, prepared by Colville Consulting Inc. (dated October 5, 2021)	• January 31, 2022 (2nd Submission)
34. Updated Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated October 18, 2021)	• January 31, 2022 (2nd Submission)
35. Financial Impact Assessment / Economic Benefits – Revised Report, prepared by IBI Group (dated October 20, 2021)	• January 31, 2022 (2nd Submission)
36. Response to JART Hydrology Peer Review Comment – Technical Memorandum, prepared by Golder Associates Inc. (dated January 28, 2022)	• January 31, 2022 (2nd Submission)
37. Response Letter to MTO Comments, prepared by IBI Group (dated October 20, 2021)	• January 31, 2022 (2nd Submission)
38. Revised Hydrogeological Assessment, Level 1 / 2 Water Resources Study, prepared by Golder Associates Inc. (dated October 2021)	• January 31, 2022 (2nd Submission)
39. Revised Land Use Compatibility / Sensitive Land Use Study, prepared by IBI Group (dated December 15, 2021)	• January 31, 2022 (2nd Submission)
40. Addendum to the Noise Impact Assessment Report – Technical Memorandum, prepared by Golder Associates Inc. (dated January 21, 2022)	• January 31, 2022 (2nd Submission)
41. Response to the Joint Agency Review Team Letter - Air Quality Impact Assessment – Technical Memorandum, prepared by Golder Associates Inc. (dated December 10, 2021)	• January 31, 2022 (2nd Submission)

Item	Date Submitted
42. Addendum to the Air Quality Impact Assessment Report – Technical Memorandum, prepared by Golder Associates Inc. (dated January 14, 2022)	• January 31, 2022 (2nd Submission)
43. Response to Comment Letter from Joint Agency Review Team (JART) [Blasting (Vibration) Impact Assessment], prepared by Golder Associates Inc. (dated October 4, 2021)	• January 31, 2022 (2nd Submission)
44. Flyrock Impact Assessment – Technical Memorandum, prepared by Golder Associates Inc. (dated January 7, 2022)	• January 31, 2022 (2nd Submission)
45. Response to JART Comments on the Natural Environment Level 1 & 2 Report (EIS) – Technical Memorandum, prepared by Golder Associates Inc. (dated November 24, 2021)	• January 31, 2022 (2nd Submission)
46. Supplemental Bat Survey in Support of the Natural Environment Level 1 & 2 Report (EIS) – Technical Memorandum, prepared by Golder Associates Inc. (dated January 31, 2022)	• January 31, 2022 (2nd Submission)
47. Revised Comprehensive Rehabilitation Strategy, prepared by IBI Group (dated December 15, 2021)	• January 31, 2022 (2nd Submission)
48. Revised Social Impact Assessment, prepared by IBI Group (dated December 15, 2021)	• January 31, 2022 (2nd Submission)
49. Revised Visual Impact Assessment, prepared by IBI Group (dated December 15, 2021)	• January 31, 2022 (2nd Submission)
50. Revised Site Plan Notes (dated January 13, 2022)	• January 31, 2022 (2nd Submission)
51. Revised Site Plan Notes – with changes noted (dated January 13, 2022)	• January 31, 2022 (2nd Submission)

Item	Date Submitted
52. Revised Site Plan Drawings (1-9), prepared by IBI Group (dated November 15, 2021)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
53. Response to JART Hydrogeology Peer Review Comments, prepared by Golder (dated October 1, 2021)	<ul style="list-style-type: none"> May 16, 2022
54. Additional Response to Updated Peer Review Hydrogeological/Ground Water Study, Port Colborne Quarries Pit 3 Extension – Technical Memorandum, prepared by Golder (dated May 16, 2022)	<ul style="list-style-type: none"> May 16, 2022
55. Review and Entry into the Ontario Public Register of Archaeological Reports: Stage 1 & 2 Archaeological Expansion – PCQ Expansion, prepared by the Ministry of Heritage, Sport, Tourism, and Culture Industries (dated February 15, 2021)	<ul style="list-style-type: none"> May 30, 2022
56. Comment Letter on ARA Application, prepared by the Ministry of Natural Resources and Forestry (dated May 5, 2021)	<ul style="list-style-type: none"> September 7, 2022
3rd Submission	
57. 3rd Submission Covering Letter and Updates to Planning Justification Report, prepared by IBI (dated October 4, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
58. Revised Site Plan Drawings, prepared by IBI (various dates)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
59. Revised Site Plan Notes (with changes highlighted), prepared by IBI Group (dated October 3, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
60. Updated Financial Impact Assessment and Economic Benefits Analysis, prepared by IBI Group (dated June 20, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
61. Hydrology/Surface Water Comment Table, prepared by WSP/Golder (dated August 25, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)

Item	Date Submitted
62. Additional Response to Updated Peer Review Hydrogeological/Groundwater Study, Port Colborne Quarries Pit 3 Extension – Technical Memorandum, prepared by Golder (dated August 18, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
63. Response to JART Comments on the Natural Environment Level 1 & 2 Report - Technical Memorandum, prepared by WSP/Golder (dated August 31, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
64. Revised Figure 5 for the Comprehensive Rehabilitation Plan, prepared by IBI Group (dated August 29, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
65. Copy of the IBI Group E-mail dated May 30, 2022 addressing traffic related concerns & Updated Traffic Impact Study, prepared by IBI Group	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
66. Updated Memo to Paul Marsh re: Wignell Drain Realignment, prepared by IBI Group (dated October 3, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
67. Air Quality Study Response E-mail (dated August 22, 2022)	<ul style="list-style-type: none"> October 5, 2022
68. Technical Memorandum – Response to JART – Request for Supplemental Information Related to the Noise Impact Assessment (dated December 3, 2021)	<ul style="list-style-type: none"> October 5, 2022
69. Response to JART Letter – Air Quality Impact Assessment, prepared by Golder (dated December 10, 2021)	<ul style="list-style-type: none"> October 20, 2022
70. Addendum to the Hydrological Assessments, prepared by WSP/Golder (dated December 5, 2022)	<ul style="list-style-type: none"> December 5, 2022
71. Response to MNRF Comments on the Natural Environment Report, prepared by WSP/Golder (dated December 6, 2022)	<ul style="list-style-type: none"> December 8, 2022

Item	Date Submitted
72. Technical Memorandum documenting 2022 Natural Environment Surveys, prepared by WSP/Golder (dated December 16, 2022)	<ul style="list-style-type: none"> December 19, 2022
73. Response to Terra Dynamics (Groundwater) Peer Review Comments of October 26, 2022, prepared by WSP (dated February 15, 2023)	<ul style="list-style-type: none"> February 15, 2023
74. Response to Englobe Corp. Information Request Related to the Noise Assessment Completed for the Port Colborne Quarries Inc Pit 3 Extension, Received on October 28, 2022, prepared by WSP (dated February 2023)	<ul style="list-style-type: none"> February 17, 2023
Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] – not posted to PCQ website	<ul style="list-style-type: none"> December 8, 2022
Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] – not posted to PCQ website	<ul style="list-style-type: none"> January 19, 2023
Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] – not posted to PCQ website	<ul style="list-style-type: none"> January 23, 2023
Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] – posted to PCQ website	<ul style="list-style-type: none"> March 1, 2023
Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] – not posted to PCQ website	<ul style="list-style-type: none"> April 5, 2023
75. Dougan & Associates Peer Review – Response to Final Comments and Recommendations Received February 3, 2023, prepared by WSP Golder (dated April 13, 2023)	<ul style="list-style-type: none"> April 14, 2023

Item	Date Submitted
76. Addendum to the Hydrological Assessments, prepared by WSP (dated April 12, 2023)	• April 14, 2023
77. Recommended Monitoring and Mitigation for the Northeast Woodlot, prepared by WSP (dated April 12, 2023)	• April 14, 2023
78. Response to MNRF Comments on Natural Environment Level 1 & 2 Report and Addenda, prepared by WSP (dated April 14, 2023)	• May 9, 2023
79. Letter to S. Norman – Updated ARA Site Plans Cover Letter and Response to Several Outstanding Items, prepared by IBI/Arcadis (dated May 9, 2023)	• May 9, 2023
Revised Site Plan Drawings (Sheets 1-10), prepared by IBI (various dates) [Full resubmission] – not posted to PCQ website	• May 9, 2023
80. Memo re: Response to Statutory Public Meeting Comments, prepared by IBI/Arcadis (dated May 17, 2023)	• May 17, 2023
3rd Submission	
81. 4 th Submission Cover Letter, prepared by IBI/Arcadis (dated August 1, 2023)	• August 2, 2023 (4 th Submission)
82. Response to Natural Environment Comments Received June 12, 2023, prepared by WSP (dated August 1, 2023)	• August 2, 2023 (4 th Submission)
83. Surface Water Response to 3 rd JART Comment Letter, prepared by WSP (dated July 31, 2023)	• August 2, 2023 (4 th Submission)
84. Revised Addendum to Hydrological Assessment – Tech Memo, prepared by WSP (dated July 31 st , 2023)	• August 2, 2023 (4 th Submission)

Item	Date Submitted
85. Supplemental Water Balance Analysis, prepared by WSP (dated July 31, 2023)	• August 2, 2023 (4 th Submission)
86. Recommended Monitoring and Mitigation for the Northeast Woodlot [updated], prepared by WSP (dated July 31, 2023)	• August 2, 2023 (4 th Submission)
87. Revised Site Plan Drawings (Sheets 1-10), prepared by IBI (dated July 31, 2023) [Full resubmission]	• August 3, 2023 (4 th Submission)
88. Revised Site Plan Drawings (Sheets 1-10), prepared by IBI (dated July 31, 2023) [last updated September 11, 2023]	• September 12, 2023

Appendix B

JART Comment Letters

- Appendix B1 – 1st JART Comment Letter (dated July 28, 2021)
- Appendix B2 – 2nd JART Comment Letter (dated July 4, 2022)
- Appendix B3 – 3rd JART Comment Letter (dated June 12, 2023)

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

July 28, 2021

File No.: D.13.07.ROPA-21-0001
D.10.07.OPA-21-0016
D.18.07.ZA-21-0028

David Sisco, MCIP, RPP
Senior Planner, IBI Group
101-410 Albert Street
Waterloo, ON N2L 3V3

Dear Mr. Sisco:

**Re: Comment Letter from Joint Agency Review Team (JART)
Regional Official Plan Amendment 20
Local Official Plan Amendment D09-02-21
Zoning By-law Amendment D14-09-21
Owner/Applicant: Port Colborne Quarries Inc.
Agent: David Sisco c/o IBI Group
Address/Location: Part Lot 17, 18, 19, Concession 2 (formerly Township of
Humberstone) and Plan 59R-16702
City of Port Colborne**

Members of the Joint Agency Review Team (JART) and the peer review consultants retained by the JART have reviewed the information submitted with the applications for Regional Official Plan Amendment (ROPA), local Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for lands legally described as Part Lot 17, 18 and 19 Concession 2 (formerly Township of Humberstone), Reference Plan 59R-16702 (formerly Carl Road), City of Port Colborne. The applications were received on March 17, 2021, and circulated to the JART as well as internal Regional and City departments. The applications were deemed complete on July 8, 2021, and have not been formally circulated to external agencies as of the date of this letter.

The ROPA is proposed to add the subject lands (the lands) to Section 13 (Site Specific Policies) of the Regional Official Plan to permit the proposed quarry operation. The local OPA is proposed to change the designation of the lands to Mineral Aggregate Operation and add a Special Policy Area to permit the proposed quarry operation. The ZBA to By-Law 6575/30/18 proposes to rezone the lands from Agriculture to Mineral Aggregate Operation, to reduce the minimum setback from a Provincial Highway from 90.0 metres

to 30.0 metres and to include additional permitted uses to allow the retention of three existing residences.

In support of the applications, the following studies were submitted:

- Planning Justification Report, prepared by IBI Group (dated February 17, 2021);
- Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated September 22, 2020);
- Stage 1 and 2 Archaeological Assessment and Supplementary Documentation, both prepared by Golder Associates Inc. (dated November 24, 2020)
- Cultural Heritage Screening Report, prepared by Golder Associates Inc. (dated July 17, 2020);
- Land Use Compatibility / Sensitive Land Use Study, prepared by IBI Group (dated December 2020);
- Air Quality Impact Assessment, prepared by Golder Associates Inc. (dated December 2020);
- Best Management Practices Plan for the Control of Fugitive Dust (BMPP), prepared by Golder Associates Inc. (dated December 2020);
- Noise (Acoustical) Impact Study, prepared by Golder Associates Inc. (dated December 2020)
- Blasting (Vibration) Impact Assessment, prepared by Golder Associates Inc. (dated July 2020);
- Financial Impact Assessment / Economic Benefits, prepared by IBI Group (dated July 6, 2020);
- Hydrological Assessment, prepared by Golder Associates Inc. (dated November 2020);
- Hydrogeological Assessment, Level 1 / 2 Water Resources Study, prepared by Golder Associates Inc. (dated October 2020);
- Natural Environment Level 1 & 2 Report (EIS), prepared by Golder Associates Inc. (dated October 2020);
- Tree Preservation Plan, prepared by IBI Group (dated October 2020);
- Comprehensive Rehabilitation Strategy, prepared by IBI Group (dated October 2020);
- Social Impact Assessment, prepared by IBI Group (dated December 2020);
- Traffic Impact Study, prepared by IBI Group (dated October 20, 2020); and,
- Visual Impact Assessment, prepared by IBI Group (dated November 2020).

Following submission of the applications, the following additional studies were received:

- Phase One Environmental Site Assessment (ESA), prepared by Golder Associates Inc. (dated June 16, 2021); and,
- Conceptual Soil Management Plan, prepared by Golder Associates Inc. (dated June 28, 2021).

A pre-consultation meeting regarding these applications was held on April 23, 2020.

The agent/owner has also filed an application for a Category 2 (Below Water Quarry) - Class A Licence to the Ministry of Natural Resources and Forestry (MNRF) under the

Aggregate Resources Act (ARA). The total area to be licensed is 106.29 hectares, of which 71.12 hectares is proposed to be extracted. The Region submitted comments on the ARA application to the owner and MNRF on May 6, 2021. The comments outlined in this letter provide additional detail to guide revisions to the Planning Act and ARA submissions.

Regional staff provide the following comments to execute Regional Council's Strategic Priority for a Sustainable and Engaging Government. This letter services to fulfill our commitment to high quality, efficient and coordinated service through enhanced communication, partnership and collaboration, and aims to assist the applicant in addressing issues with the applications relative to Provincial, Regional and local policy conformity.

Summary

Based on the clarification and additional information required on a number of the submitted studies, Regional staff cannot confirm that the proposed amendments are consistent with the Provincial Policy Statement and conform with Provincial Plans and the Regional Official Plan. Revisions and clarifications to the submitted plans and studies are required to address the items outlined in this letter prior to the applications being presented at a Public Meeting and before staff can make a recommendation on the proposed amendments.

Provincial and Regional Land Use Policies

The subject lands are located within a Prime Agricultural Area under the Provincial Policy Statement (PPS), identified as Prime Agricultural Area in the Provincial Agricultural System under the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), and are designated as Good General Agricultural Area in the Regional Official Plan (ROP).

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. The permitted uses and activities for Prime Agricultural Areas are agriculture, agriculture-related, and on-farm diversified uses. The predominant use of land in Good General Agricultural Areas is for agriculture of all types, including livestock operations. Compatible uses such as forestry and conservation of plant and wildlife are also permitted. The proposed quarry is not identified on Schedule D4 as a Possible Aggregate Area; therefore, pursuant to ROP Policy 6.C.13, an amendment to the ROP is required.

Regional staff have and will be reviewing the requested amendment relative to ROP policies, with particular attention being paid to policy 5.B.7, Chapter 6 and policy 14.D.5, in addition to Provincial policies. Supporting studies have and will be reviewed relative to those ROP topic specific policies (i.e. natural environment relative to Chapter 7), in addition to Provincial policies.

Planning Justification Report

Regional and City planning staff have reviewed the Planning Justification Report, prepared by IBI Group (dated February 17, 2021) (PJR). The PJR addresses most of the relevant Provincial, Regional and Local planning policies. However, issues relative to: interpretation of the Growth Plan Natural Heritage System; identification of groundwater resources (i.e. Highly Vulnerable Aquifer) and inclusion of policy analysis relative to groundwater protection; review of existing watershed/subwatershed plans in accordance with Provincial policy; and inconsistencies in terms of the life of the Pit 3 extension across the PJR and other technical studies will need to be addressed before staff can confirm compliance with Provincial and Regional policies in accordance with the *Planning Act*. More detailed comments on the PJR are included in Appendix 1, and additional comments on alignment with Provincial and Regional policies relative to the technical studies are provided below.

Agricultural Impact

The PPS requires that impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands be mitigated to the extent feasible. Policy 6.C.5 of the ROP also requires that applications for new pits or quarries or expansions of existing licensed pits or quarries give consideration to compatibility with surrounding land uses. Regional staff required an Agricultural Impact Assessment (AIA) to be submitted with the applications to identify and assess potential impacts of the proposed quarry, which is a non-agricultural use, on agricultural operations and the agricultural system.

The JART has reviewed the Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated September 22, 2020) (AIA). Overall, the AIA provides a thorough assessment of agricultural impacts from the proposed quarry operation. There are elements absent, based on the Ministry of Agriculture, Food and Rural Affairs' Draft Guidance Document for Agricultural Impact Assessments; however, based on the end use/rehabilitation plan for this site and practicality of the site returning to an agricultural use, Regional staff generally find the report acceptable. There are aspects of the proposal that are not reflected or reflected incorrectly in the AIA, which should be corrected for record. Detailed comments in this regard are included in Appendix 2.

Archaeology

The PPS, Growth Plan and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, development and site alteration (activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site) are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit potential for the discovery of archaeological resources due to the presence of several registered archaeological

sites on the subject lands. Stage 1 and 2 Archaeological Assessments were submitted with the applications, and recommended further work for several archaeological sites within the subject lands. Detailed comments on the Assessments are included in Appendix 3.

Cultural Heritage

According to the PPS, Growth Plan and ROP, significant built heritage resources and significant cultural heritage landscapes shall be conserved. Heritage resources include buildings, structures, monuments, installations or any manufactured or constructed parts or remnants that contribute to a property's cultural heritage value or interest. Cultural heritage landscape refers to geographical areas that may have been modified by human activity and are identified as having cultural heritage value or interest. These landscape features may include buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Built heritage resources and cultural heritage landscape may be located on, or include, properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act*.

The PPS also states that development and site alteration shall not be permitted on lands adjacent to a protected heritage property (including those designated under Parts IV, V or VI of the *Ontario Heritage Act*), except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Similarly, ROP policy 10.C.2.1.5 requires that, where development and/or site alteration is proposed on or adjacent to a significant cultural heritage resource(s) or cultural heritage landscape(s), a heritage impact assessment is required. In this regard, a Cultural Heritage Screening Report, prepared by Golder Associates Inc. (dated July 17, 2020) was submitted with the applications. Regional staff have no concerns with the report, which found that no further Heritage Impact Assessment was required. Regional staff concur with this recommendation and have no further concerns with the application from this perspective.

Financial Impact

The ROP includes criteria to consider proposed amendments to the plan in policy 14.D.5, including "the effect of the proposed change on the financial, health, safety, and economic sustainability of the Region." In order to assess this impact, a Financial Impact Assessment and Economic Benefits, prepared by IBI Group (dated June 8, 2020) (FIA) was submitted with the application. In general, the financial impact study focusses on revenues the municipalities will receive (e.g. property taxes, TOARC fees, etc.). With respect to operating costs, the total employment is anticipated to remain the same, therefore excluding incremental operating costs appears reasonable. With respect to capital costs, the study notes the existing haul routes will remain the same until a new entrance/exit is constructed. It is anticipated that this entrance/exit will be constructed on a Provincial road, thereby not impacting the City or Region.

Overall, the financial and economic impact study addresses most of the requirements of the terms of reference provided to PCQ. There are some discrepancies to be rectified and some revisions/updates to the analysis suggested. With respect to capital impacts, the study notes that no financial impacts to the municipalities are anticipated; however, recommendations from the other technical studies may yield further capital works or operating impacts that need to be addressed in the revised submission. Detailed comments are provided in Appendix 5.

Hydrology (Surface Water)

Policy 6.C.5 of the ROP requires that applications for new or expansions of existing licensed pits and quarries give consideration to the impact on the natural environment including surface watercourses and groundwater. The City of Port Colborne Official Plan contains a similar policy in Section 10.2.2 a) iii), which states that in considering an application for an amendment pursuant to Section 10.2 (a-d), the potential impacts on the quality and quantity of surface and groundwater systems, among other matters, will be evaluated based on submitted studies. The JART and the peer review consultant (Matrix Solutions Inc.) reviewed the Hydrological (Surface Water) Study, prepared by Golder Associates Inc. (dated November 2020). The SWM Report is Appendix A to the Hydrological Assessment. Within the provincial planning documents, there are several references to the need for SWM plans to be informed by watershed planning or equivalent. The study does not appear to be informed by watershed planning or other local/equivalent information, as noted under the comments on the Planning Justification Report. The report also focuses on water quantity only. To meet the planning policy tests, consideration should be given to water quality as well.

Further, the document includes no analysis regarding the Wignell Drain, as it was assumed that the City will be realigning the entire drain. Based on recent discussions, additional work to understand the drain realignment as part of the application process will be required. As the Wignell Drain realignment is required to facilitate the quarry extension, it is not plausible that this drain modification is unrelated to the quarry itself. As such, a fulsome assessment of quarry impacts cannot be completed without additional information on the drain realignment and the assessment of impacts on the drain and other natural features. There should also be better integration between the hydrology and hydrogeology reports. Detailed comments are provided in Appendix 6.

Hydrogeology (Groundwater)

The subject lands are located within a Highly Vulnerable Aquifer. Provincial and Regional policy requires the protection, improvement or restoration of the quality and quantity of water through a number of means. Specifically, policy 6.C.5 of the ROP requires that applications for new or expansions of existing licensed pits and quarries give consideration to the impact on the natural environment including surface watercourses and groundwater. The City of Port Colborne Official Plan contains a similar policy in Section 10.2.2 a) iii), which states that in considering an application for an amendment pursuant to Section 10.2 (a-d), the potential impacts on the quality and quantity of surface and groundwater systems, among other matters, will be evaluated

based on submitted studies. To address these policies, a Hydrogeological Study was required to verify that the proposal will not have a negative impact on the quantity and quality of ground water, the function of ground water recharge and discharge areas, aquifers and headwaters, and the municipal water supply to ensure the safety and quality of municipal drinking water will be protected or improved.

The Hydrogeological Assessment, prepared by Golder Associates Inc. (dated October 2020) was reviewed by the JART and the peer review consultant (Terra-Dynamics Consulting Inc.). Overall, the recommendations of the study are appropriate; however, several technical study gaps were identified and are outlined in the detailed comments included in Appendix 7.

Land Use Compatibility

The PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, sensitive land uses and major facilities are to be planned to “ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety...” Policy 6.C.5 of the ROP also requires that applications for new or expansions to existing pits and quarries give consideration to compatibility with surround land uses. Further, Section 10.2.2 a) i) of the City of Port Colborne Official Plan requires that compatibility with adjacent, existing and planned land uses with respect to noise, dust, blasting, vibration and truck traffic be evaluated based on submitted studies in considering applications to amend the plan pursuant to Section 10.2 (a-d). To implement these policies, the Ministry of Environment Conservation and Parks (MECP) Noise Guidelines (NPC-300) and MECP’s Ambient Air Quality Criteria are used to establish site specific mitigation measures to achieve policy conformity.

The following site specific studies were submitted with the application and reviewed by Region and City staff as well as the peer review consultant (DST Consulting Engineers Inc.):

- Land Use Compatibility / Sensitive Land Use Study, prepared by Golder Associates Inc. (dated January 8, 2021);
- Noise Impact Assessment, prepared by Golder Associates Inc. (dated December 2020);
- Air Quality Impact Assessment, prepared by Golder Associates Inc. (dated December 2020);
- Best Management Practices Plan for the Control of Fugitive Dust, prepared by Golder Associates Inc. (dated December 2020); and,
- Blasting Impact Assessment, prepared by Golder Associates Inc. (dated July 2020)

The reports will need to be revised to address the detailed comments provided in Appendix 8, relative to the content of the reports and need for further detail and clarification.

Core Natural Heritage

The subject property contains and is adjacent to portions of the Region's Core Natural Heritage System (CNHS). Specifically, the CNHS on and adjacent to the property consists of Upper Wignell Drain Locally Significant Wetland (LSW), Significant Woodland and Important (Type 2) Fish Habitat. Consistent with ROP policies 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) is required in support of site alteration and/or development proposed within 50 m of LSW/Significant Woodland and/or 15 m of Important (Type 2) Fish Habitat to demonstrate there will be no significant negative impact on the features or their ecological functions. ROP policy 6.C.5 also requires that applications for new or expansions to existing pits and quarries be considered relative to compliance with the provisions of Chapter 7, and specifically policies 7.B.1.31 to 7.B.1.34.

In this regard, a Natural Environment Level 1 & 2 Report (EIS), prepared by Golder Associates Inc. (dated October 2020) and Tree Preservation Plan, prepared by IBI Group (dated October 2020) were submitted with the applications. The EIS has been reviewed by the JART and the peer review consultant (Dogan & Associates Ecological Consulting & Design). There are several items that need to be addressed prior to the application advancing to a Public Meeting, and Regional staff conveyed preliminary/time sensitive comments to the owner and agent by email on June 7, 2021. A response to those comments sent on June 7, 2021 was provided by email from the agent on June 10, 2021. The following high level issues were discussed:

- Clarification of some field survey methods to establish presence of key features (e.g. acoustic surveys for bats, amphibian call surveys).
- Ensure consistency between mapping, reporting, and field data sheets to allow accurate review of information presented and interpretation.
- Clarification of existing fish habitat characteristics and potential impacts is required.
- Clarification is required to better characterize the hydrologic function of the protected deciduous swamp feature.
- The assessment of key features requires additional information/clarification related to status of wetlands in the Upper Wignell Drain wetland complex based on data collected, inclusion of all woodlands as part of the Significant Woodland assessment, and assessment of Significant Wildlife Habitat.
- Clarification of direction from MECP regarding potential impacts to Endangered or Threatened Species is required.
- Clarification of potential impacts to Fish Habitat is required.
- Clarification is required regarding the potential for indirect impacts to the hydrology of the protected swamp feature, and how 10 m is a sufficient buffer to mitigate potential impacts to the features and its functions.
- Clarification is required to confirm that the rehabilitation plan sufficiently addresses potential impacts to key features and the general ecological function of the site.
- The proposed monitoring program should provide specific thresholds where they are warranted for the management of protected features.

- All key recommendations from the Natural Environment Report should be incorporated onto the Site Plan.

More detailed comments are provided in Appendix 9, and should be addressed through a revised EIS.

Rehabilitation

The PPS requires progressive and final rehabilitation to accommodate subsequent land uses, promote land use compatibility, recognize the interim nature of extraction and mitigate negative impacts to the extent possible. The ROP also requires that rehabilitation plans be suitable before licenses are issued or changed, and encourages progressive rehabilitation of operating pits and quarries to achieve compatibility with surrounding land uses (policy 6.C.6 and 6.C.7). Final rehabilitation plans must take surrounding land use and approved land use designations into consideration, in accordance with the PPS. The PPS also states that comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations. The PPS permits extraction in Prime Agricultural Areas as an interim use, provided the site will be rehabilitated back to an agricultural use unless specific criteria is met.

The City of Port Colborne Official Plan states that sites within prime agricultural land will be progressively rehabilitated to agriculture, unless: there is substantial quantity of aggregate resources below the water table warranting extraction; the depth of planned extraction makes restoration of pre-extraction agricultural capacity unfeasible and other alternatives have been considered by the applicant and found unsuitable; and agricultural rehabilitation in remaining areas will be maximized.

In this regard, a Comprehensive Rehabilitation Strategy, prepared by IBI Group (dated October 2020) (CRS) was submitted with the applications. The CRS includes a Rehabilitation Plan/End Use Plan, Long-Term Monitoring and Comprehensive Rehabilitation Plan. Based on the JART's review, the CRS lacks the detail and clarity required to address Provincial policy. Detailed comments on deficiencies and required clarification is included in Appendix 10.

Social Impact

A Social Impact Assessment (SIA) was required by the City of Port Colborne to address Port Colborne Official Plan policies. The SIA, prepared by IBI Group (dated December 2020) was reviewed by City staff and detailed comments are provided in Appendix 11.

Transportation

Provincial and Regional policies require that transportation systems be provided that are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs. Specific to proposed new or expansions to existing pits and quarries, the ROP states that consideration be given to the proposed haulage roads and the possible effect on the roads and on adjacent development (policy 6.C.5e). In this regard, a Traffic Impact Study, prepared by IBI Group (dated October 2020) was submitted with the applications to address transportation impacts on the local and

Regional roads and Provincial highway. The TIS was reviewed by the Ministry of Transportation (MTO), Regional and City transportation staff, and detailed comments are provided in Appendix 12.

Visual Impact

To address land use compatibility matters per Provincial and Regional policy, as well as potential concerns from neighbouring land owners and residents, a Visual Impact Study, prepared by IBI Group (dated December 2020) was submitted with the applications. The Study was reviewed by Regional and City planning staff, and detailed comments are provided in Appendix 13.

Environmental Site Assessment and Soil Management Plan

The PPS states that "sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects." The PPS defines "adverse effects" to include harm or material discomfort to any person, an adverse effect on the health of any person, and/or impairment of the safety of any person. A portion of the subject lands are currently used as a speedway. Due to potential groundwater contamination from reuse of fill from the subject lands in the rehabilitation work for Pits 1 to 3, a Soil Management Plan (SMP) for the existing New Humberstone Speedway property, prepared based on Environmental Site Assessment(s), was required.

A Phase One Environmental Site Assessment (ESA), prepared by Golder Associates Inc. (dated June 16, 2021) and Conceptual Soil Management Plan, also prepared by Golder Associates Inc. (dated June 28, 2021), were submitted prior to deeming the applications complete. Both reports have been prepared in accordance with the *Environmental Protection Act* and associated regulations, and Regional staff have no concerns with the contents of the report.

Regional staff acknowledge that additional Phase 2 ESA work was recommended by the Qualified Professional. In terms of implementation, if the future Phase 2 ESA determines that some or all of the soil is acceptable for re-use on site (i.e. for berming), PCQ should give some thought to going beyond the minimum requirements (i.e. Site Condition Standards) to address residents' concerns about contaminants leaching into the groundwater. This could include an engineered barrier/base below the berm, similar to the profile utilized for landfills. Regional staff would appreciate having further dialogue with PCQ on this topic as the applications advance.

Draft Amendments

Draft Regional Official Plan Amendment (ROPA)

Regional staff will provide comments on the Draft ROPA following the second submission, as revised or additional policy will likely be required based on the revised studies and/or plans.

July 28, 2021

Draft City of Port Colborne Official Plan Amendment (OPA)

The following comments on the Draft OPA should be addressed:

1. Typo under "Location" section of the amendment – see "*Regional Road 84*";
2. Provincial Policy Statement date should be 2020 not 2014;
3. Section "G.12" of the OP does not correspond to the City's OP;
4. With respect to the inclusion of the existing dwellings in the Zoning By-law Amendment, a policy will be required in the OPA to reflect this. The current Official Plan does not support this use.

Additional comments may be provided upon receipt and review of the revised studies and/or plans.

Draft Zoning By-Law Amendment (ZBA)

The following comment on the Draft ZBA should be addressed:

1. Clause 2 should refer to Schedules A4 and A5, not schedule A.

Additional comments may be provided upon receipt and review of the revised studies and/or plans.

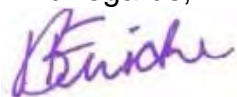
Site Plan Notes

Staff have reviewed the Plans submitted with the applications and detailed comments are provided in Appendix 14.

Conclusion

In conclusion, there are a number of items that require clarification or revision for the majority of the submitted materials. Because of this, staff is unable to confirm that the proposed amendment is consistent with the Provincial Policy Statement and conforms with Provincial Plans and the Regional Official Plan. Revisions and clarifications to the submitted plans and studies are required to address the items outlined in this letter prior to the applications being presented at a Public Meeting in front of Local and Regional Council.

Kind regards,



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Appendix 1: Planning Justification Report Comments

Regional and City planning staff have reviewed the Planning Justification Report, prepared by IBI Group (dated February 17, 2021) (PJR), and offer the following detailed comments:

1. Contact Information, Page 1 – Dan Corkey’s e-mail address appears to be incorrect.
2. S. 1, Page 1, last paragraph – Pit 1 and 2 are within the City’s “Urban Area Boundary”. Pit 3 and the proposed extension area is outside of the “Urban Area Boundary”. Please revise and use the correct terminology.
3. S. 6, Page 8 - City of Port Colborne Zoning By-law is improperly referenced as By-law “83-38”. “6575/30/18” is the correct number.
4. S. 6, Page 8 – It may be helpful to note here that the site is not within the mapped Growth Plan Natural Heritage System (NHS). Although because of the changes that were made from the 2017 and 2019 Growth Plan, some of the Growth Plan NHS policies apply to the Region’s existing natural heritage system, [the mapped] Growth Plan NHS does not apply until the Region has completed its municipal comprehensive review. This is an important distinction that needs to be recognized and more accurately analyzed in the PJR.
5. S. 6.1.1, Page 10 – Regional staff disagree with the interpretation of PPS policy 1.7 j) (which is incorrectly labeled as d) in the report. The total distance that the aggregate material will travel does not change (i.e. whether it travels interior or exterior to the site).
6. S. 6.1.1 General- Should the manufacturing/production be moved to Pit 3, how will this affect the tax-base of Pit 1 and the overall Port Colborne Quarry (PCQ) lands? Long-term economic prosperity will change depending on the future use of Pit 1, which has not been determined.
7. S. 6.1.2., Page 12 – Regional staff do not agree with the interpretation of PPS policy 2.1.9 as it relates to this application. Regional staff is of the opinion that PPS policy 2.1.9 is not relevant to this application.
8. S. 6.1.7., Page 19 – The interpretation and analysis of PPS policy 3.2.2. will need to be updated to reflect the results of the Phase 1 ESA/soil management plan.
9. S. 6.2.1., Page 20 – Regional staff do not agree with the interpretation of Growth Plan policy 3.2.7. The policy is not stating that a subwatershed study is required as part of the application. The policy is stating that stormwater management (SWM) plans must be informed by subwatershed planning or equivalent. A SWM plan was identified as a requirement for the application. The SWM plan should be informed by all available information, including existing watershed planning and equivalent information.
10. S. 6.2.2., Page 21 – As noted above, the site is not within the mapped Growth Plan NHS (although some Growth Plan NHS policies apply to the Region’s existing NHS). Provincial NHS policies should be correctly interpreted as they relate to the application.
11. S. 6.2.3, Page 23 – With regard to the interpretation of Growth Plan policy 4.2.3.2 a): the analysis was completed for “key hydrologic features” whereas the policy

related to “key hydrologic areas”. There is an important difference between features and areas. In the case of this application, “key hydrologic areas” would be the highly vulnerable aquifer (HVA) below the site. The PJR in general is lacking in regards to the identification and analysis of groundwater features / key hydrologic areas / HVA.

12. S. 6.2.3, Page 23 – With regard to the interpretation of policy 4.2.3.2 b): this policy is not asking for a subwatershed plan to be completed, it is suggesting that development in a key hydrologic area needs to be informed by watershed, subwatershed planning, or equivalent. This existing information is available and should be considered as part of the application.
13. S. 6.2.5, Page 26, Response to item 6- To clarify, the Region did not “insist” on the entrance being on Highway 3. This was the preferred location of PCQ, to which the Region agreed. The Region contacted the MTO and was able to work towards a solution.
14. S. 6.2.6, Page 29, Response to item 3- The site is also mapped as Prime Agricultural Area as part of the Provincial Agricultural System under the Growth Plan.
15. S. 6.2.6, Page 31, Item 5 b) - The site is not within the mapped Growth Plan NHS area. It is Regional staffs’ interpretation that this policy would not apply.
16. S. 6.4.2, Page 37 – With regard to the interpretation of ROP policy 6.C.8: how is the test of ‘continuous and harmonious rehabilitation’ being met?
17. S. 6.4.4, Page 38, Policy 7.B.1.16. - As per recent discussions, the City is not proposing to realign the entire portion of the drain that would be required to support the application. Additional work and analysis as part of the PJR and other technical studies will be required regarding the realignment of the Wignell Drain. The City has indicated that further discussion regarding the realignment of the drain are required.
18. General (referenced multiple times) – With regard to the inclusion of the existing dwellings in the Zoning By-law Amendment (ZBA), a policy will be required in the OPA to reflect this as well. The current Official Plan does not support this use. City staff understand the reasoning behind this; however, it needs to be included.
19. S. 6.5.6, Page 51, Table 3, Policy viii– Is there enough overburden to complete the rehabilitation without bringing in off-site topsoil? If there currently isn’t enough for Pits 2 and 3, staff assume the same would be the case for the Pit 3 extension.
20. S. 6.6.6, Page 57/58 – Confirm that no fill is required. It is understood that PCQ is currently in discussions with the City regarding the need to import fill for the rehabilitation of Pit 2.
21. S. 6.6.7, Page 58 – As per the comment above, the City is only proposing to realign the north portion of the drain. The PJR and other technical studies will need to consider the realignment of the entire portion of the drain that is required to support the proposed application.
22. S. 6.8, Page 64 – As noted above, a Special Policy in the OPA will be required to permit the existing detached dwellings.
23. S. 7.1, Page 66 – Will the Environmental Site Assessment (ESA)/soil management plan recommend the Humberstone Speedway soils be used on

site, rather than being disposed of? This is of specific concern to neighbouring property owners, and will be a key issue with the application. The PJR should be updated to reflect the recommendations of the Phase 1 ESA and soil management plan, with an outline of next steps and a timeline for future work required.

24. S. 7.2, Page 67- “Snyder” road should be spelled “Snider” Road. “Left-turning ‘land’” should be spelled “lane”.
25. S. 7.3, Page 67 – If production is expected to increase, why is the lifespan longer than anticipated? More consideration should be given to the estimation of the lifespan across all studies to avoid conflicting timelines.
26. S. 8.11, Page 95 – The second to last paragraph states that the timing is dependent on the haul route being moved. It would be helpful to have some understanding on that timing to better understand the application.
27. S. 8.13, Page 96 – “Snyder” should be “Snider”.
28. S. 10, Page 101 – This section refers to a planning summary report and Township Official Plan. This section should be corrected to “Planning Justification Report” and “City Official Plan”.

Appendix 2: Agricultural Impact Assessment Comments

Regional staff have reviewed the Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated September 22, 2020) (AIA), and offer the following detailed comments:

1. The note about mineral aggregate operations being exempt from MDS (I&II) is correct. Therefore, staff accept that no MDS calculations have been undertaken for this assessment.
2. Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Draft Guidance Document for Agricultural Impact Assessments (draft guidelines) suggests the primary study area for an AIA dealing with an aggregate operation is the proposed licensed area. However, staff do not object to the primary study area including lands immediately adjacent (i.e. residential and agricultural properties on the west side of Miller Rd).
3. The secondary study area of 1.5km is acceptable and within OMAFRA draft guidelines.
4. The Region's soil mapping is consistent with the data presented under section 5 of the AIA, with the exception of the 14.33ha the AIA identifies for Humberstone speedway as "not mapped". Regional mapping shows this area as a mix of Chinguacousey – Red Phase and Jeddo – Red Phase. This should be corrected in the report, and perhaps characterized as "not suitable for cultivation" as opposed to "not mapped".
5. Section 5.3, 5.3.1 & 5.3.2 (CLI) & (Hoffman) is a good analysis of agricultural productivity. However, s. 5.3.2 states: "*The HPI was calculated for the Subject Lands to assess the relative productivity of the lands for common field crop production. As determined above, the majority of the soils are comprised of CLI Class 3 soils.*" Yet Table 4, the extraction area, indicates a greater amount of the soil (45%) is Class 2, compared to Class 3 (32.8%). Table B2 (Appendix B) shows further details, but reports different numbers, likely due to including the secondary study area. The report should be revised to include the correct figures for soil type within the extraction area.
6. Section 5.5, Section 5 Figure 6, and Section 7 Figure 6 are incorrect with respect to the naming, description and location of agricultural drains. Wignell is the central drain that flows through the proposed extraction area. Wignell becomes Michener south of Highway 3.
7. Section 5.5 states: "*There are no investments in tile drainage on the Subject Lands nor are there other land improvements on the Subject Lands*". This is consistent with tile drainage mapping available to the Region.
8. Section 5.7 – The Region has Census of Agriculture data available at the local municipal level, which could better inform this section compared to the Niagara/Haldimand census division. This data is available online at <https://www.niagararegion.ca/living/ap/pdf/niagara-agricultural-profile.pdf>.
9. Section 5.8 should note and refer to additional studies being undertaken that will speak to environmental features and impacts.

10. Section 5.9 speaks to alternative site assessments. Generally 5.9.1 to 5.9.5 are satisfactory. Regional staff agree with the following statements:
 - a. *“Due to the depth of the existing and the similar proposed extraction depths (+/- 7 m), the proposed after use will result in the formation of a lake. Agricultural rehabilitation will not be feasible.”*
 - b. *“The proposal is to expand an existing licenced quarry. This significantly supports the choice of the Subject Lands. In most all cases, the expansion of an existing quarry reduces potential impacts.”*
11. Section 6.1.1 (as well as Section 9) note that 55.43 ha of agricultural land will be consumed as a result of extraction. However, Section 8.0 indicates a loss of 49.4 ha of agricultural land within the extraction area. Please clarify and correct the report.
12. The mitigation measures in s. 7.0 seem reasonable. However, earlier in the AIA, (section 6.2.5), there is a statement: *“The equestrian operation (Farm #2) will be located in close proximity to the future entrance. PCQI will need to consider measures to ensure that conflict between trucks and the equestrian operation is minimized to the extent possible.”* However, this specific comment has not been directly addressed in Table 6 of the Mitigation measures. Please address in the revised report.

Appendix 3: Archaeological Assessment Comments

Regional staff have reviewed the Stage 1 and 2 Archaeological Assessment and Supplementary Documentation, both prepared by Golder Associates Inc. (dated November 24, 2020) (the Assessments), and offer the following detailed comments:

1. The Assessments cover the entirety of the lands subject to the quarry application.
2. The Assessments identifies many archaeological sites on the properties.
3. Several sites were not considered to have further cultural heritage value or interest and were not recommended for further study.
 - a. This includes: Location 2 (AfGt-297), Location 3 (AfGt-298), Location 4 (AfGt-299), Location 5 (AfGt-300), Location 6, Location 7, Location 8, Location 9 (AfGt-301), Location 10 (AfGt-302), Location 11 (AfGt-303), Location 12 (AfGt-304), Location 13, Location 14, Location 15, Location 16, Location 18, Location 19, Location 20 (AfGt-306), Location 21, Location 22, Location 23, Location 24, Location 26 (AfGt-310), Location 27, Location 28, Location 29, Location 34, and Location 37.
 - b. Several of these sites are identified on the Site Plans (i.e. Location 11, 19, 28, 34, and 27). Please clarify why these are identified on the plans if they do not require further assessment, or remove them from the plans.
4. Other sites (Location 1 (AfGt-296), Location 17 (AfGt-305), Location 25 (AfGt-307), Location 30 (AfGt-308), Location 31 (AfGt-309), Location 32 (AfGt-312), Location 33 (AfGt-313), Location 35 (AfGt-314), Location 36 (AfGt-315), and Location 38 (AfGt-316)) are considered to have further cultural heritage value or interest and require Stage 3 assessment. These are identified on the Site Plans, as well as a 70m buffer area.
 - a. Archaeological sites that are identified as having further cultural heritage value or interest will require Stage 3 and/or Stage 4 archaeological assessment. Once all required Stage 3 and 4 assessment is complete, the MHSTCI has advised that there are the following possible statuses for archaeological sites at the time of ARA licensing approval:
 - i. Excavated. Completely excavated as per Stage 4 requirements
 - ii. Excluded. For a site which was within the original project area (i.e., the area which the applicant originally intended to license), the ARA licensed limits may be changed such that the site is fully excluded. This may be accomplished by complete exclusion of a 'protected area' of the archaeological site. The limits of the protected area consist of either the archaeological site as defined at the completion of Stage 2 plus a 20 metre 'no-go' buffer and 50 metre monitoring buffer (effectively a 70 metre buffer) or the site as defined at the completion of Stage 3 plus a 10 metre no-go buffer (20 metres for Late Woodland villages).
 - b. The protected area of the site (as per the above point) is mapped on the approved licence plans and a condition is attached to the licence stating the presence of the site, the necessity of avoiding the protected area of

the site, and the restrictions on any alterations to the site as per Section 48 of the *Ontario Heritage Act*.

5. Regional staff acknowledge that the areas of land to be licensed is very large and extraction will occur in phases (as approved by MNRF). Because some of the archaeological sites that require further assessment are within later phases that will not be disturbed for many years after licence approval, the Region is supportive of dealing with the protection of these resources through licence conditions, which will also allow the expense of the mitigation of impacts for archaeological sites to be spread over time.
6. The Region will require the MHSTCI's review letter indicating the Stage 1 and 2 Archaeological Assessments are compliant with the Ministry's technical standards for archaeology (compliance letter), prior to the applications being presented at a Public Meeting in front of Regional Council. Revisions to the application (i.e. extraction limits, phasing, etc.) may be required should the Ministry identify adjustments to the licensing limits to address archaeological resource conservation as part of the ARA process.
7. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of the compliance letter from the MHSTCI confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

Appendix 4: Cultural Heritage Comments

Regional and City planning staff have reviewed the Cultural Heritage Screening Report, prepared by Golder Associates Inc. (dated April 8, 2020) and have no comments or concerns with the report. The JART has no further concerns with the application relative to protection of cultural heritage resources.

Appendix 5: Financial Impact Assessment Comments

Regional and City staff and the peer review consultant (Watson & Associated Economists Ltd.) have reviewed the Financial Impact Assessment and Economic Benefits, prepared by IBI Group (dated June 8, 2020), and offer the following detailed comments:

- **Section 1- Introduction**

1. In reviewing the Planning Justification Report, dated February 17, 2021, the total property area is noted as 106.3 hectares (ha), whereas in the financial and economic impact assessment the total property area is 103.3 ha plus 2.8 ha for Carl Road (total of 106.1 ha). Additionally, the PJR notes the total area to be licensed as 106.3 ha; however, the conversion to acres is inconsistent (see summary information on page 5 of the Planning Justification Report). The size of the property being analysed should be consistent with the Planning Justification Report.
2. With respect to the Study Requirements on page 2, one item from the April 9, 2020 letter is missing:
“To demonstrate what financial benefits to the community may be created as a consequence of the approval.”
 For completeness, this should be included.

- **Section 2- Land Value Assessment Analysis**

3. To estimate the assessment to be generated from the Pit 3 extension, a review of the existing PCQ properties was undertaken on an assessment per acre basis. In addition, a review of the assessed value per acre for quarry properties in Wainfleet and Fort Erie were provided (see Figure 2 on page 4). The overall average assessed value per acre was utilized to estimate the assessment anticipated from the extension. This approach is reasonable; however, the property for Pit 1 has a much higher assessed value per acre as this property includes buildings. It may be more appropriate to exclude this property from the average.
4. The existing properties that will comprise the Pit 3 extension lands are noted in Figure 3 on page 4. For clarity and completeness, the analysis should provide the assessed values of the existing properties.
5. Assessment Adjustments: Historically, MPAC provides assessment adjustments to residential properties abutting and within 1km of quarries. The proposed quarry extensions may reduce assessed values of residential properties, thus reducing tax revenues. This should be included in the analysis.

- **Section 2.1 and 2.2- Tax Revenue Review**

6. The FIA lists 7 properties; however, according to MPAC there are only 6. The properties noted as “Hwy 3” are 1 property.
7. The Waste Management portion is not included with the Regional tax rate; please clarify or correct.

8. Regional staff are of the opinion that the future state assumed of 65% industrial assessment is a bit high, based on information used by MPAC to determine tax class apportionments for quarries. The IT class generally only applies to the working face and stockpile areas. The remainder of the property included depleted/undisturbed land is RT. Please confirm how the 65% was derived and if it considers the actual assessment approach utilized by MPAC.
9. All analyses utilize 2019 tax rates with 2020 assessment. Generally two different years should not be mixed; however, Regional staff acknowledge that variances would not be significant.
10. Overall assessment is expected to decrease. Future assessment being achieved through average value of quarry property is resulting in decreased total assessment. While it might be reasonable based on potential removal of assets from some properties, please provide an overall explanation/rationale for this approach.
11. There is a typo on page 5, Section 2.2, for the total increase for the Region in the text as \$233,221. Below Figure 4 has the correct number of \$223,221.

- **Section 3- Economic Benefits**

- **Aggregate Production**

12. While section 3.1 of the report speaks to aggregate production at the provincial level and for Niagara Region, no mention is made of PCQ's aggregate production. To provide context to the economic activity associated with the quarry, it is important to understand the site-specific annual aggregate production output of the quarry's existing operations and how the proposed application will help sustain this output. These site-specific metrics should be reported.

- **GDP Impacts**

13. Section 3.2 of the report speaks to the GDP impacts of the broader aggregate industry in Ontario and Niagara Region, but does not address the existing site-specific economic benefits of PCQ's existing operations or potential impacts of the Pit 3 expansion.
14. It is important the existing site-specific benefits of the quarry are presented based on the current economic activity and what the GDP impacts of the Pit 3 expansion would be, in addition to the potential implications on economic activity if the expansion does not proceed.
15. It is recommended this section of the analysis be expanded to identify direct, indirect and induced GDP impacts of PCQ's current operations and expansion applying Statistics Canada input-output multipliers.

- **Employment Impacts**

16. While Section 3.3 of the report comments on aggregates industry employment at the Niagara Region, Port Colborne and the PCQ site level, the following should be addressed to strengthen the analysis:
 - i. The report identifies employment of 75 jobs for the mining, quarrying and oil extraction industry for Niagara Region based on data the 2018 Regional Employment Survey (business employment count data) and 40 jobs for the

City of Port Colborne based on labour force data for the mining, quarrying and oil extraction industry from the 2016 Statistics Canada Census. Port Colborne's calculated 53% employment share (i.e. 40 of 75 jobs) within the Region appears to be based on these two sources. Data from two different sources with varying methodologies, definition of jobs (labour force vs. place of employment) and time periods should not be used to draw a direct comparison for employment between the two geographic areas. For the purposes of this analysis, the Port Colborne calculated employment share should be based on one data source that captures the number of jobs in the jurisdictions being examined and not labour force metrics (for example 2016 Census Place of Work data or 2018 Regional Employment Survey).

- ii. With respect to current employment levels identified at PCQ (20 on-site jobs and 27 off-site trucking jobs), it is recommended that the source of employment data be cited in the report. Clarification on whether these are all employees of PCQ or if the numbers include contractors whose employment depends on the quarry operations should also be included in the report.
- iii. The report states the Pit 3 expansion could have 100 indirect jobs associated with it based a ratio of 1 aggregate worker per 5 indirect jobs.¹ The report should provide documentation on the calculation of 100 indirect jobs as the assumed multiplier appears to be relatively high compared to Statistics Canada 2017 Input-Output multiplier estimate of 0.4 additional indirect jobs for every direct job.²
- iv. It is understood that the potential expansion of the quarry is not expected to result in expanded economic activity or new on-site or off-site (trucking employment) and the analysis should more clearly state the proposed expansion will only maintain the current direct and associated indirect employment levels of the existing operation.
- v. It is recommended that the analysis be expanded to more comprehensively capture and identify indirect and induced employment impacts of the PCQ operations through the application of Statistics Canada input-output multipliers.

- **Labour Income**

- 17. Labour income is an important metric to understand because it illustrates how much money is made from employment associated with the PCQ operations, and that the majority of it will be spent in the local and regional market on goods and services.
- 18. It is recommended that an analysis of total wages and salaries from the PCQ operations be added to the economic analysis. This should include an estimate of labour income from direct, indirect and induced jobs.

- **Section 4- Capital Impact Analysis**

¹ Direct to indirect job ratio based on Aggregate Resource Statistics in Ontario, Production Statistics 2018 – The Ontario Aggregate Resources Corporation (TOARC).

² Statistics Canada indirect employment Input-Output multiplier is for the sand, gravel, clay, and ceramic and refractory minerals mining and quarrying industry.

19. Discrepancy in truck traffic assumptions: Section 4.1.1 (page 7) notes that the existing quarry operations generate 27 trucks per day. Through our initial discussions with IBI Group, it was noted that the existing level of operations is anticipated to continue, thus maintaining the same level of truck traffic/trip generation (note: this is discussed in a later section of the financial analysis). The Traffic Impact Study (dated October 19, 2020, Section 6.4 Trip Generation on page 14) notes that based on the annual extraction rate of 1,000,000 tonnes per year, it is expected that the extension will generate an average of 15.4 truck trips per hour. As the Traffic impact study notes 15.4 truck trips per hour and the financial analysis identified 27 trucks per day, this discrepancy should be clarified.
20. Section 4.1.2 and 4.1.3 on page 8 should be updated to reflect that the preferred location for the entrance has been selected and that Carl Road has been purchased.
21. Section 4.1.3 on page 8- The cost associated with extending Phase 3 power is the sole responsibility of PCQ. Please confirm in the report.
22. It was noted through discussions with IBI Group that the rehabilitation plans are to develop the site into recreational lakes. As we understand, the Region and City do not currently wish to assume the property once operations are complete. Therefore, it was noted that the property will remain under private ownership. As a result, any ongoing monitoring and mitigation costs will be the responsibility of the landowner. Consideration as to any potential risks to the municipality should be identified and quantified, where possible.

- **Section 5- Financial Benefits**

23. As noted above, the Traffic Impact Study notes that, based on discussions with PCQ staff, a reasonable annual extraction rate is 1,000,000 tonnes. However, in Section 5.1 of the study (Page 11), the revenues for the aggregate levy are calculated based on 1,815,000 tonnes. If PCQ staff believe the annual aggregate extracted is 1,000,000, the aggregate levy fees should be calculated on this amount.
24. The report should speak to the distribution of products from the quarry within the aggregate market (i.e. approximately 60% internal for use by Rankin, 20% domestically in Ontario, 20% via Lake Erie to Cleveland and other US destinations).
25. TOARC Fees: The fees identified in Figure 6 on page 11 should be shown annually to provide the Region and City with the annual levy anticipated to be received.
 - i. If the useful life of the quarry is 22 years with a permit of 1,815,000 and expected output 39,930,000, it is suggested that estimates lean towards the low end or that further information be provided on the expected output.
 - ii. Figure 6 does not include annual fee to Trust or Crown and therefore does not total.
26. Planning Fees: In general, planning fees are estimated on a full-cost recovery basis. As a result, the fees paid to the Region and City are required to cover the

cost of reviewing and approving the applications. Therefore, although it is okay to note in the study, these fees are not a general revenue for the municipalities.

- **General Comments**

27. There are various lengths for the lifespan of the Pit 3 extension used in the FIA; a consistent length should be evaluated across the FIA, PJR, and other technical studies. The FIA should be updated relative to comments from the other technical disciplines that may impact the final financial and economic impact analyses.

28. The report should consider the financial impacts and costs associated with the Drainage Engineers Report and realignment of the Wignell Drain.

- **Conformity with Terms of Reference**

29. Purpose of the Financial Impact Study

- i. With respect to water supply, the report notes that the property is serviced by on-site wells. The financial impact analysis does not mention the costs, should any neighbouring properties have an issue with their wells resulting from quarry operations. We would note however, that page 20 of the Hydrogeological Assessment, it is noted that “any complaints will be addressed by the complaint response program”. It should be noted in FIA that any replacement water supply costs to neighbouring properties resulting from quarry operations will be paid for by PCQ.
- ii. As noted above, the Pit 3 extension is not anticipated to increase the expenditures of the municipalities. However:
 - The financial analysis should note the costs for replacement water supplies will be borne by PCQ.
 - Further discussion should be provided with respect to how monitoring and mitigation will continue post-rehabilitation of the property.
 - There is no mention of securities to ensure that the public and agencies will not be put at financial risk. If the securities are covered by legislation, it should be noted in the analysis.

30. Objectives of the Financial Impact Study

- i. While the current report establishes a good foundation for assessing the economic impacts of PCQ’s operations and potential impacts of the Pit 3 expansion, further details and analysis as identified above are required to develop a stronger and more defensible case for the Pit 3 expansion from an economic impact perspective.
- ii. Information on licensing fees was included in the study; however, the information should be provided on an annual basis as well as in totality.
- iii. Through discussions with PCQ and IBI Group, it was noted that the property would remain privately owned subsequent to rehabilitation. It was also noted that the ongoing monitoring and mitigation costs would be the responsibility of the landowner. The study should be updated to reflect this and discuss any potential liabilities to the municipalities (e.g. if the property owner does not keep up with the monitoring and mitigation responsibilities).

Appendix 6: Hydrological/Surface Water Resources/SWM Report Comments

Regional and NPCA staff and the peer review consultant (Matrix Solutions Inc.) have reviewed the Hydrological Assessments, prepared by Golder Associates Inc. (dated November 2020), and offer the following detailed comments:

1. Water budget – it is noted that the existing condition water budget calculations do not quantify lateral inflows into the quarry site. As the upper reaches of East Wignell Drain conveys flow from the woodland swamp, as well as flow generated further upstream, across the proposed quarry site, it would seem that lateral inflow could represent a significant component of the water budget. Why were lateral inflows not assessed?
2. Please confirm the upstream extent of the East Wignell Drain. Figure 1 of the Hydrology report indicates the drain originates at the southeast corner of the woodland swamp; however, Figure 3 of the Natural Environment Level 1/2 Report (Golder, October 2020), indicates the drainage feature originates near the 2nd Concession Road and Carl Road intersection.
3. There is limited information on the Wignell Drain's catchment upstream of the proposed quarry site. During the initial meeting with applicant's consultants, it was asked whether there are any culverts under 2nd Concession Road that would convey water from the north side of the road to the south side. The response was there were no culverts; however, when visiting the site, a culvert (approximately 750-1000 mm) was identified at the east side of Carl Road and 2nd Concession Intersection (see Figure 1). A culvert was also identified under Carl Road, which provides drainage for 2nd Concession Road's northern ditch, directing flow towards the culvert under 2nd Concession Road. At the time of the site visit, water flow through the culverts was observed, and flowed south adjacent to the woodland swamp (Figure 2).
 - a. These observations indicate that during wet times of the year, there is likely significant flow from north of 2nd Concession Road into the woodland swamp and eventually the proposed quarry site. Further analysis is required to understand the volume of this inflow, and how it would be managed during operations.



Figure 1 - Culvert under 2nd Concession Road (looking south)



Figure 2 - Downstream of 2nd Concession Road (flowing towards Woodland Swamp & Proposed Quarry Site)

4. Page 2 – The report authors state that the woodland swamp in the northwest of the study site “contributes drainage to the upstream end of the East Wignell Drain”. During quarry operations, where would the woodland swamp drain to?
5. Page 4 – The report speaks to water level fluctuations at SW-2 in the range of 0.1-0.15 m and identifies them as “inconsistencies in the water level logger”. These are significant fluctuations, well beyond most logger’s typical level of accuracy. Can the authors provide any insight as to what could have resulted in such large fluctuations?

6. Table 2, Page 5 – There is a larger difference in flows between SW-1 and SW-2 than would be typically explained by the difference in drainage area. For our own clarity, is this difference because 100% of the flow at SW-1 is quarry discharge?
7. Was there any baseline water quality sampling done of East Wignell Drain? This information could be important to understand how sensitive the feature may be to receiving quarry discharge.
8. What potential water quality impacts could the quarry extension cause to East Wignell Drain? How would they be mitigated?
9. Table 3, Page 8 – The text references the MOE Stormwater Management Planning and Design Manual for the water budget parameters used in the analysis. There are a few points of clarification that would assist in understanding the analysis undertaken
 - a. How was the WHC of Open Pasture assigned? The Hydrology report has a WMC of 150 mm, which does not correspond to a clay soil type with pasture land cover. Was it a clay soil type with moderately rooted crops?
 - b. How was a WHC of 75 mm arrived at for Marsh/Wetland? There is no corresponding category in Table 3.1 of the MOE Stormwater Management Planning and Design Manual.
 - c. How was a WHC of 10 mm arrived at for quarry lands? Could this significantly underestimate the amount of evaporation from the quarry floor?
 - d. Please provide the individual components that comprise the aggregate infiltration factor. We are not able to recreate the reported values using clay as the soil type.
10. Page 12 – The text states that there will be a 459,329 m³/yr of runoff within the proposed quarry extension, which is an increase of 114% beyond existing conditions. Does this include groundwater inflow to the quarry? As there is already a significant increase in discharge to the Drain, it would be helpful to understand if additional discharge will be expected.
11. Table D-1 presents the monthly water budget over the 1965-2018 time frame. Is the 1965-2018 time frame reflective of the climate conditions currently experienced in the study site? As the climate has warmed since the mid-60's (see Figure 3), using this time period may not be reflective of current evapotranspiration rates. Are the water budget calculations sensitive to using a more recent 20 year period?

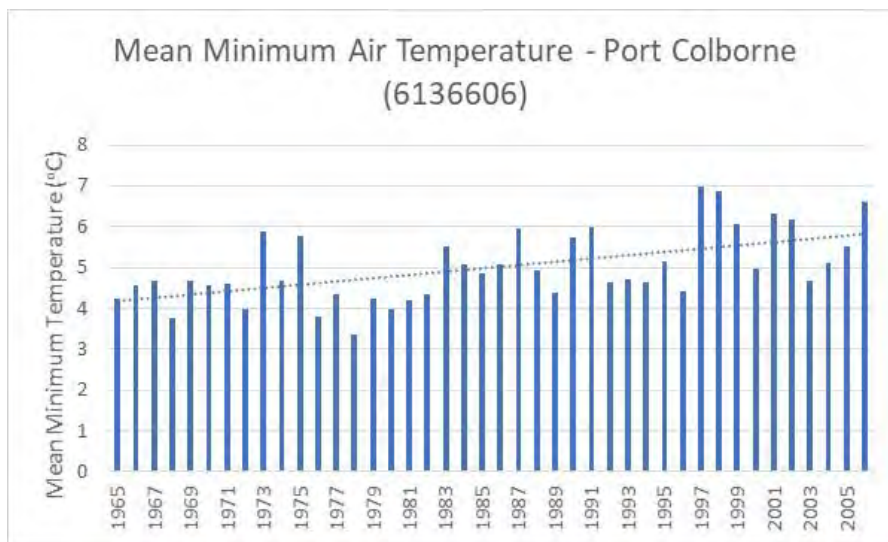


Figure 3 - Port Colborne Minimum Temperatures (1965-2006)

12. Additional information on the level of uncertainty regarding calculated Potential Evapotranspiration rates presented in Table D-1 would be useful to understand overall uncertainty associated with the water budget. PET rates of 2 mm/month seem low for January and February, particularly for a study area this far south. Do these values include sublimation? How sensitive are the water budget calculations to uncertainty in PET rates?
13. Infiltration (net of evapotranspiration) is estimated to be 177mm/yr. This seems to be a high value for an area dominated by "glaciolacustrine massive-well laminated clay and silt deposits". Are there independent estimates of infiltration (net of evapotranspiration) that can confirm these estimates?
14. The report states that OFAT was used to delineate the watershed area for the west and east branch of the Wignell Drain (310 and 543 ha, respectively). Please indicate the source and resolution of the DEM that OFAT uses for watershed delineation so the reader can gauge the level of uncertainty that is associated with the total drainage areas (given the low topographic relief of the area).
15. Page 14 – It is stated that discharge from the proposed Pit 3 extension will be split between the west and east branches of Wignell Drain in a 30%/70% ratio respectively. Given the entirety of the proposed Pit 3 extension is within the watershed of the east branch of Wignell Drain, why is 30% of the water being redirected to a different (sub) watershed?
16. Please clarify if the Pit 3 extension will outlet to the Welland Canal (refer to Figure 6 and Section 4.1). Based on the Regional Mapping, it appears the West Branch SW1 and East Branch SW2 converge and ultimately outlet to Lake Erie.
17. Page 15 - We agree with the report authors that Eastern Wignell Drain is not likely to see increases in peak flows during operations or under rehabilitation conditions. The quarry will capture precipitation which will not enter the drain until discharged via pumping. Rather, it is likely the East Wignell Drain sees a *reduction* in peak flows. It would be helpful to quantify the potential reduction in peak flows, as significant reductions can cause alterations in a watercourse's

geomorphology. These alterations may include channel aggradation by not having fine sediment flushed from the system due to decreased peak flows.

18. Page 15 – The authors state that due to peak flows not increasing “the risk of erosion is not expected to increase”. The authors go on to state that flow increases are only likely during average or low flow conditions, which would minimize erosion potential. It is important to note that increases in average or low flow can result in channel erosion, particularly since downstream reaches of the East Wignell Drain are dominated by soft sediments and are poorly vegetated (see Figure 4 below). To be assured that channel erosion will not be a concern, additional studies (i.e. erosion thresholds) are required. In the preliminary meeting with the applicant’s consultants, it was indicated that these studies would be done as part of the ECA application for discharge. Until these studies have been completed, it is recommended that the authors remove language that states channel erosion is not likely to occur as a result of the increased discharge.

- a. Due to the increased water volume under operational and rehabilitated conditions, East and West Branch of Wignell Drain will undergo the prolonged flow duration correspondingly. There is a need to assess if Wignell Drain downstream of the quarry site is sensitive to flow duration and determine the locations where erosion protection may be required.



Figure 4 - East Wignell Drain at Weaver Road

19. Page 15 – The report authors state that the woodland swamp in the northwest of the site “is not expected to see a reduction in runoff area”. Given the proposed

realignment of the Wignell Drain will divert flow from north of 2nd Concession Road to the easterly boundary of the proposed quarry, a reduction in runoff area is likely to happen. How would this impact be mitigated? It is noted that the report authors acknowledge on page 2 that the woodland swamp “may collect surface drainage from north of 2nd Concession Road”.

- a. A conceptual alignment of the future East Branch of the Wignell Drain (formerly Mitchner Drain) should be included in the report.

20. Page 15 – Please outline the operational monitoring program that is planned to be implemented for surface water features. As presented, the continuous flow records at SW-2 appear to be problematic. Is there a revised plan to collect more reliable data?

21. Attachment A- Water Management Plan

- a. Page 2- Please provide justification for using a 24 hour storm for the peak flow estimates, as well as limiting the analysis to only the 2 and 5 year return period.
- b. The estimation of a sump storage is based on dewatering the 2-year storm water from the quarry site within a three-day period. The conclusion notes that water from a two-year and five-year storm would be pumped in 8 and 9 days, respectively. Please clarify.
- c. It is recommended that the Best Management Practice of petroleum products management be included in the operational notes.

22. General Comments from NPCA

- a. The NPCA has no objection to the conclusion that average annual off-site runoff is expected to increase under the operational and rehabilitated quarry conditions.
- b. The NPCA agrees with the conclusion that the proposed Pit 3 extension is expected to have a local effect on the stream flows at the east and west branches of the Wignell Drain.
- c. The NPCA notes that with the increased volume of water being discharged into the east and west branches of the Wignell Drain, there is the potential for erosion to occur. The NPCA recommends that the existing condition of the east and west branches of the Wignell Drain 500 metres downstream of the proposed be confirmed. The NPCA also recommends that a robust stream erosion monitoring program be implemented over the active life of the quarry with an associated contingency plan to be put into effect should erosion impacts be identified.
- d. The NPCA will require confirmation that the quality of the quarry water discharge will not have a negative impact on the ecology of the receiving watercourses.
- e. The NPCA concurs with the peer review comments from Matrix Solutions and requests that the Applicant provide a written response of how the peer review comments have been addressed.

23. Floodplain- The 100 year flood plain for the Wignell Drain has an elevation ranging from 182.25 m. above sea level (asl) at the northern limit of the subject lands to 180.81 m. asl at the southern limit. There are several areas of the flood plain where extraction is proposed. It is unclear how this development into the flood

plain is consistent with Section 3.1.2 of the Provincial Policy Statement (PPS). The Planning Justification Report, prepared by IBI Group (dated February 17, 2021) does not address consistency with Section 3.2.1 of the PPS. This should be further examined by the Applicant.

MTO comments

The MTO offered the following comments relative to surface water and stormwater management:

1. MTO requires post to pre development flow condition to be met for 5, 10, 25, 50 and 100 year storm events at all outlets from the proposed Pit 3. Provide this information in a table for review.
2. Please provide peak pumping rate in existing condition from the quarry and with proposed extension. Also provide duration of peak flow pumping.
3. MTO requires Site Servicing, Grading, and Erosion & Sediment Control Plans for review.
4. MTO requires a Stormwater Management Report signed and sealed by a Professional Engineer of Ontario

Appendix 7: Hydrogeology (Groundwater) Comments

Regional and NPCA staff and the peer review consultant (Terra-Dynamics Consulting Inc.) have reviewed the Hydrogeological Assessment, Level 1/2 Water Resource Study, prepared by Golder Associates Ltd. (dated October 2020), and offer the following detailed comments:

1. Field Investigations
 - a. The field investigations followed standard acceptable industry practice.
2. Water Quality
 - a. It is recommended that future groundwater quality sampling should include the parameter: hydrogen sulphide, as it has exceeded the Ontario Drinking Water Aesthetic Objective (MECP, 2006) in the Quarry Sump (WSP, 2016, 2019, 2020 and 2021).
 - b. The Ontario Drinking Water Aesthetic Objective (MECP, 2006) for sulphate was not included in Table 4, Groundwater Quality Results. Four samples from the deep bedrock exceeded the 500 mg/L Aesthetic Objective. The table and text should be updated.
 - c. Further clarification to the report text is recommended that the maximum acceptable criterion for uranium was exceeded at MW17-4S. The uranium exceedance was reported with manganese in such a way it could be missed that this is a health-related criterion despite the clarity available in Table 4.
 - d. It is also requested that clarification be provided which of the four quarry sumps the sample from the “*main quarry sump*” refers to.
3. Water Well Survey
 - a. A total of four water well survey respondents to the 2018 water well survey (WSP, 2020) indicated their groundwater supply issues were related to quarry operations. It is unclear if these complaints have been investigated and resolved. This is relevant because Golder Associated Ltd. did not survey properties included in the WSP 2018 survey. It is also recommended the 2018 water well survey completed by WSP be included in the Golder Associated Ltd (2020) report.
 - b. From the water well survey, and the evaluation of Ministry of the Environment, Conservation and Parks (MECP) water well records, it should be summarized how common are nearby shallow water supplies that are vulnerable to drought, as they may be interpreted as being dewatered by quarry operation.
 - c. A total of five properties were identified as the closest water wells to the proposed expansion of Pit 3 (Section 6.3). It is recommended if these properties responded to the water well survey, and/or there are MECP water well records available, that the information for these five properties be summarized to further consider the likelihood of negative impact. If it is highly likely these private water supplies will go dry, remedial solutions for these private well users should be designed ahead of time.
 - d. In April 2020, Niagara Region (2020) provided a list of recommended items for the proposed hydrogeological work program. This included a

recommendation that the water well survey include baseline groundwater quality. This is still recommended to be completed of nearby wells likely to be impacted by quarry dewatering.

4. Groundwater Levels

- a. Bedrock groundwater levels are reported as 4-6 m higher at Monitoring Well 2-94 (WSP, 2020) compared to nearby Monitoring Wells MW17-8S/D (Golder Associates Ltd., 2020). In a similar manner, the groundwater contours presented by WSP (2021, 2020, 2019 and 2018) are higher (e.g. approximately 5 m in some overlapping portions), than those presented by Golder Associates Ltd. (2020). It is recommended that the bedrock groundwater level contours be updated to integrate the bedrock groundwater monitoring wells that are part of the current PTTW. It is also recommended that the proposed three new wells along the eastern property boundary be constructed and integrated into this updated mapping to provide a current zone of influence of the quarry using all available information.

5. Upper Wignell Drain Wetland Complex

- a. In April 2020, Niagara Region (2020) provided a list of recommended items for the proposed hydrogeological work program. This included a recommendation that monitoring of the hydroperiod of the wetland be completed, it is still recommended this be completed in order that the wetland be characterized. Also, it is noted that the current Permit to Take Water (No. 7645-AAYS3Y) requires in Condition 4.4 that the annual PTTW report should include a "*discussion of the possible connection to the Wignell Wetlands located to the north east of the quarry*". Reporting on this Condition does not appear to be in the WSP (2021) report.

6. Other Items

- a. Figure 10 does not have units on the horizontal scale.
- b. The report should be stamped by the Professional Geoscientist authors.
- c. It is recommended the personal information from the water well surveys be redacted.

7. Identification of Features

- a. Features were generally adequately identified. However, it is recommended that:
 - i. Figure 3 should be updated to reflect recent Ontario Geological Survey mapping at the Site (Armstrong, 2017) which will then correlate with geologic units identified during the drilling program.
 - ii. A reference be provided in the report stating the unit numbers corresponding with the specific members of the Bertie Formation as are discussed in Section 4.3.
 - iii. In Section 4.2, it is recommended the Williamsville Member be consistently referred to as Unit 4. It is also recommended that Figure 8 show the locations where the Williamsville Member was not

encountered, i.e. MW17-1D, -2D and -3D, to match the text of Section 4.2.

- iv. As mentioned earlier, the wetland be characterized based upon field investigation.

8. Monitoring, Trigger Mechanisms and Contingency Plans

- a. The proposed groundwater monitoring and response program is generally acceptable. However, it is recommended a temporary water supply be provided to residents while well interference complaints are investigated. In this regard, it is also recommended that the closest five private groundwater supplies be approached to participate in continuous-type groundwater level monitoring in order that the monitoring program be responsive rather than reactive.

9. Conclusions Presented in the Golder Associates Ltd. (2020) Report

- a. While the conclusions reached generally logically flowed from the field work, two items are recommended for future consideration by Golder Associates Ltd.:
 - i. The estimated additional seepage from the north, south and west walls of the proposed extensions was reported as 72 L/min, or 104 m³/day. It is recommended this theoretical calculation be updated after a review of the 2019 sump pumping at the Site (WSP, 2020) indicated average daily sump discharge rates of the following:
 - (i) Sump #1 at 590 m³/day;
 - (ii) Sump #2 at 1,620 m³/day; and
 - (iii) Sump #4 at 2,014 m³/day.
 It is noted that WSP (2020) estimated 54% of 2019 pumping was groundwater. Also, it is recommended a reference be provided for the use of the 500 metre radius of influence used in the seepage calculation. The 2019 sump pumping was evaluated rather than 2020, because the 2020 PTTW Adobe pdf report was secured.
 - ii. Comment if it is likely that the cone of drawdown, or zone of influence, may extend further in the Falkirk Member than the overlying Bertie Formation members. If so, they are requested to complete additional predicted drawdown analyses to assess the relative difference in magnitude between the shallow and deeper bedrock units.

10. Recommendations Presented in the Golder Associates Ltd. (2020) Report

- a. The proposed recommendations are acceptable; however, it is recommended that Table 8, Proposed Extension Monitoring Locations include:
 - i. Hydrogen sulphide water quality analyses;
 - ii. The three new proposed monitoring wells along the eastern boundary; and
 - iii. The five nearest private groundwater supplies.

Hydrogeology (Groundwater) References

Armstrong, D.K., 2017. Paleozoic geology of the Welland-Fort Erie area, southern Ontario; Ontario Geological Survey, Preliminary Map P.3811, scale 1:50,000.

Golder Associated Ltd., 2020. Hydrogeological Assessment, Level 1/ 2 Water Resources Study, Proposed Port Colborne Quarries Pit #3 Extension. Submitted to Rankin Construction Inc.

IBI Group, 2021. Planning Justification Report Port Colborne Quarries Inc. Pit 3 Extension, Prepared for Port Colborne Quarries Inc.

Ministry of the Environment and Climate Change (Conservation and Parks), 2016. Amended Permit To Take Water Ground Water, Number 7645-AAYS3Y.

Ministry of the Environment, (Conservation and Parks), 2006. Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines.

Ministry of Natural Resources and Forestry, 2005. Application Standards for Category 2: Class "A" license for a quarry operation which intends to extract aggregate material from below the established groundwater table.

Niagara Region, 2020. Pre-Consultation Meeting Form Niagara Region & City of Port Colborne, April 23, 2020, Part Lot 17, 18 and 19, Con 2 (formerly Township of Humberstone) City of Port Colborne, Ontario.

Ontario Geological Survey (OGS), 1985. Aggregate Resources Inventory of the City of Port Colborne and Town of Fort Eire, Regional Municipality of Niagara: Ontario Geological Survey, Aggregate Resources Inventory Paper 117.

Professional Geoscientists of Ontario (PGO), 2004. Professional Practice Guidelines for Groundwater Resources Evaluation, Development, Management and Protection Programs in Ontario - Under Review.

Professional Geoscientists of Ontario, 2019. Professional Geoscientists reviewing work prepared by another professional geoscientist.

WSP, 2021. Port Colborne Quarries, 2020 Annual Compliance Report. Prepared for Port Colborne Quarries Inc.

WSP, 2020. Port Colborne Quarries, 2019 Annual Compliance Report. Prepared for Port Colborne Quarries Inc.

WSP, 2019. Port Colborne Quarries, 2018 Annual Compliance Report. Prepared for Port Colborne Quarries Inc.

WSP, 2018. Port Colborne Quarries, 2017 Annual Compliance Report. Prepared for Port Colborne Quarries Inc.

WSP, 2017. Port Colborne Quarries, 2016 Annual Compliance Report. Prepared for Port Colborne Quarries Inc.

WSP, 2016. Port Colborne Quarries, 2015 Annual Compliance Report. Prepared for Port Colborne Quarries Inc.

Appendix 8: Land Use Compatibility Comments

Regional and City planning staff and the peer review consultant (DST Consulting Engineers Inc.) have reviewed the following reports:

- Land Use Compatibility / Sensitive Land Use Study, prepared by Golder Associates Inc. (dated January 8, 2021);
- Noise Impact Assessment, prepared by Golder Associates Inc. (dated December 2020);
- Air Quality Impact Assessment, prepared by Golder Associates Inc. (dated December 2020);
- Best Management Practices Plan for the Control of Fugitive Dust, prepared by Golder Associates Inc. (dated December 2020); and,
- Blasting Impact Assessment, prepared by Golder Associates Inc. (dated July 2020)

The following detailed comments are provided to assist in revising the reports:

1. Land Use Compatibility Study
 - a. S. 5, pg. 7 – states there are no conflicts in the report recommendations with respect to proposed berm heights; however, not all reports match the proposed berms on the site plans. Which are correct? See comments from other reports for inconsistencies.
 - b. Please reflect on areas where PCQ has gone above and beyond the minimum thresholds and recommendations from the supporting studies to minimize the land use compatibility concerns.
 - c. The study will need to be updated to reflect the comments from the technical reports below, and coordinate any revised recommendations and mitigation measures.
2. Noise Impact Assessment (NIA)
 - a. Based on DST's review of the NIA it was found that the field work and the identification of receptors was sufficiently in-depth and followed accepted practices. As part of DST's site visit, conducted on May 6, 2021, it was confirmed that the background sounds and sound level that would support the classification assigned to each of the PORs in the study area are in agreement with those chosen in the NIA. We do not believe any additional field work is required.
 - b. Page 3 indicates the implementation of the barriers and their final design will be determined through monitoring. The NIA needs to predict and indicate when berms are needed and the minimum height requirements based on predictable worst case impact as required by MECP NPC-300.
 - c. Page 4 indicates the assessment is completed for the operation of the quarry after the 1st lift. The NIA needs to indicate why it is not considering at grade processing.
 - d. Page 4 indicates that the processing equipment may be moved to an alternative location in the future. Based on the video summary

- (<https://portcolbornequarries.ca/quarry-expansion-document>) of the proposed extension it is understood that this location is planned to be in Pit 3. In this case, the NIA should include an assessment of this scenario, and depending on the results include mitigation measures to achieve compliance.
- e. Page 4 indicates that the noise sources associated with the processing plant are not significant when compared to the sources operating in Pit 3 extension. From DST's review, source emissions are substantial and further detail is needed to support the claim of insignificance.
 - f. Page 4 indicates that "areas within Pit 3 extension requiring specific equipment noise controls and/or quieter type of equipment are shown in Figure 3. Table 2 presents the barrier height of alternative control (i.e. limiting the sound pressure level of the drill rig) required to achieve compliance". Please indicate the required sound emission levels for quieter equipment that may be utilized along with supporting calculations to demonstrate compliance with the use of "quieter type of equipment".
 - g. Page 10 Section 5.2, third bullet. What is the initial iteration for the setback distance and indicate how it is a conservative choice? What is the baseline assumption regarding blasting mandated setback distance?
 - h. Page 12. Provide clarification on how the quarry will move into this new Pit 3 extension.
 - i. Page 12 and Appendix F. Results in Table 3 indicate compliance at all PORs, but the Receptor Noise Impact Level(s) table in Appendix F indicate non-compliance at a number of PORs. Please provide clarification on this contradiction.
 - j. Page 15 Section 7.0. Noise management plan is vague, and more detail is required in addressing the predictable worst-case impact. For example, required initial berm heights and timing of installation should be determined through modelling the worst-case impact.
 - k. No reference as to how traffic noise will be affected by the change at the quarry.
 - l. Video presentation states clearly that after phase 1 the processing plant will be moved to Pit 3 and a new quarry entrance will be added. The entrance will be located directly on Highway 3. NIA does not include an assessment of the change in the level of traffic noise along Highway 3 as a result of the proposed entrance. Truck entrance and egress in particular needs to be addressed. The NIA requires a statement from Golder regarding the assessment of noise from the new truck entrance.
 - m. NIA does not address site preparation or stripping of overburden in the new extension. This phase of the project should be assessed along with an indication of the time frame for its completion.
 - n. In addition to addressing the comments, it is also recommended that the addition of noise contour plots and point of reception noise impact tables be added to the report. Both the plots and the tables should indicate the worst case noise impact with, and without, abatement measures in place. The addition of the plots and tables, along with addressing the comments

in Section 3.0, will provide the additional detail and transparency required for this project.

3. Air Quality Impact Assessment (AQIA) and Best Management Practices Plan (BMPP)

- a. The following clarifications and additions to the report should be made to address pending responses to questions from the Pre-consultation meeting with the report authors:
 - i. Figures to illustrate the receptor grids used for all of the dispersion modelling scenarios should be included in the report.
 - ii. Clarify whether the Extraction 'Line Volume' sources used in model scenarios 2 and 4 (smaller in total size compared to the other model scenarios), have the same total emission rate as the other model scenarios, or a lower total emission rate divided among the fewer 'Line-Volume' sources used for model scenarios 2 and 4.
 - iii. Revise Table A1 and/or Table A2 in Appendix A, to include the same 'Source identifier' (ID) numbers for the individual sources, to clarify how the individual sources are listed by ID number in Table A1 relate to the grouping of sources listed in Table A2.
 - iv. Clarify or correct whether the sources listed in Table A2 as 'PR2' through 'SHIPROAD' should be listed as 'Volume' or corrected to be 'Line Volume' sources.
- b. The following comment items regarding emission rate estimate calculations should be clarified or revised in the report, and if necessary revised dispersion modelling completed:
 - i. In section 3.2 one example emission rate calculation is shown for the Crush Plant, representing the emissions from haul trucks unloading at the 'grizzly feeder'. DST understands this is one of components of the crush plant described in section 1.1 of the report. The emission factor that is referenced from the EPA AP42 Table 11.19.2-1 (0.000008 kg/Mg for SPM) is actually not listed in the AP42 table. Also, the reference to the AP42 section 11.19 notes it is dated 2006; however, the most current published date of this section as listed on the EPA's web site is dated 2004. The example emission rate calculation in this section shows an SPM emission rate of 1.00×10^{-3} g/s, whereas the total emission rate for the crush plant is shown in Table A1 to be 5.84×10^{-1} g/s. It seems apparent from this difference that other emission rate calculations and applicable emission factors contribute to the total emission rate for the crush plant (such as emissions from crushing steps, screening and material transfer). However, these other emission factors are not referenced in the report. Section 3.2 of the report should be revised to include a complete list of all the emission generating activities of the crush plant source, and the respective emission factors referenced for the emission rate calculations. Also, if emission factors for 'controlled' sources are referenced, there

should be information provided to confirm that the emissions controls that will be used are consistent with the emission factor references.

- ii. In Section 3.3 it states that there are no emissions (such as SPM, PM-10 or PM-2.5) from the wash plant since the material processed is completely saturated. However, in Table A1 emission estimates are provided for this source and in Table A2 source details are listed for it. This section of the report should be revised to show the basis for the emission estimates if the wash plant source is used in the dispersion model scenarios.
- iii. In section 3.4 the emission rate calculation for emissions from stockpiles (due to wind erosion) refers to an emission control efficiency of 75%, obtained from Table 9-4 from the WRAP 2006 reference. It should be clarified in the report that this emission reduction applies to an emission control consisting of three-sided enclosures around stockpiles, to shield each stockpile from wind. This emission control should also be specifically mentioned in the BMPP report as a best management practice (BMP) that can be implemented for stockpiles, along with alternate BMPs mentioned in the BMPP report.
- iv. In section 3.6, the emission rate calculation for dust emissions from unpaved roads involves an equation that uses in part an input variable for the silt content of the road surface material. The value of this variable referenced from the US EPA AP42 Table 13.2.2-1, is a 4.8 % silt content for plant roads in a sand and gravel processing facility. However more appropriate values for this variable, referenced from the same AP42 table, would be for unpaved roads at a stone quarrying and processing facility, including 10% silt content for plant roads and 8.3% silt content for haul roads to/from a pit.
- v. In section 3.6, the emission rate calculation for dust emissions from unpaved roads, refers to a referenced emission control efficiency of 75%. This reference was obtained from Table 4 of the reference Australian National Pollutant Inventory, Emission Estimation Technique Manual For Mining, Version 3.1, January 2012. This emission control reference applies to application of water to an unpaved road at a specific application rate. However, section 3.6 indicates the emission control would be achieved due to implementation of a fugitive dust BMPP, including road watering and a speed limit. For clarification, the AQIA report could also refer to the combined use of the two emission controls, watering (55% control) and limiting vehicle speeds (44% control) that are listed in the reference WRAP 2006 Table 6-6. When combined these two control references are approximately equivalent to a 75% control efficiency. These emission controls are specifically mentioned in the BMPP report as BMPs to be implemented for unpaved roads.

- vi. In section 3.9, the emission rate calculation for conveyor drop operations involves an equation that uses in part an input variable for the moisture content of the material. The value of this variable referenced from the US EPA AP42 Table 13.2.4-1, is 2.1% moisture referenced for 'Various limestone products', applicable to the industry 'Stone quarrying and processing'. A more appropriate value for this variable would be the 0.7% moisture value for 'Crushed limestone', listed in this reference table for this same industry.
 - vii. In section 3.10, the emission rate calculation for dust emissions from blast holes drilling, refers to a referenced emission control efficiency of 99% with the use of a vacuum filter bag system. This reference was obtained from Table 4 of the reference Australian National Pollutant Inventory, Emission Estimation Technique Manual For Mining, Version 3.1, January 2012. This emission control is specifically mentioned in the BMPP report as a BMP to be used during blast hole drilling.
 - viii. In section 3.12, the emission rate calculations for combustion emissions from blasting operations are based on use of ammonium nitrate and fuel oil (ANFO) emulsion blend explosives. This section should include an explanation of how the maximum quantity of explosives to be used (6160 kg) was determined for the calculation of the emission rates. Also, if other explosives are to be used in blasting operations, other applicable contaminants (such as ammonia and hydrogen cyanide) should be added to the emissions calculations and air quality assessment.
 - ix. For clarity of the emission rate calculations, a table should be included in the report (such as in Appendix A) to illustrate all of the inputs and outputs of the emission rate calculations. For example it is suggested that the table should list data in columns for each calculation listed in rows, including columns for the source ID number, source descriptive name, emission factor numeric value and units, reference for the emission factor, process/activity rate or quantity used in the calculation, calculated emission rate for the individual activity, and a total emission rate where several individual activity emission rates are combined to form the total emission rate of the source as shown in Table A1.
- c. Dispersion Model Receptor Grids
- i. In section 4.5.2.2 the description of how grid-based receptors were selected for dispersion modelling seems to suggest square grid areas (200m x 200m, 300 m x 300 m etc.); however, the example receptors grid layout shown in Figure 5 is clearly not square. This section should be revised to clarify the starting boundary for the grid-based receptors, and how the receptor grids increase in spacing with distance from the starting boundary (such as 20 m grid

spacing for receptors up to a distance of 200 m from the starting boundary).

d. Dispersion Model Scenario for Sources Relocated to Pit 3

- i. Section 3.1 mentions that in future PCQ may relocate the crushing and washing aggregate processing operations from the current location in Pit 1 area to Pit 3. It is not specifically stated whether the other aggregate processing operations (stockpiling and shipping access/egress routes) would also be relocated to Pit 3. It is stated that the dispersion model scenarios used are all based on the processing operations remaining at the current location. The rationale is that the on-site haul road emission sources have the highest emission rates with the longest length of road, which is the case for the current location of the processing operations. Thus, the rationale states that the model scenarios used are considered more conservative modelling approaches for assessment of the air quality impacts.
- ii. DST is of the opinion that a dispersion modelling scenario involving the processing operations located in Pit 3 may generate higher predicted air quality impacts at receptors in the vicinity of Pit 3. This is due to the grouping of emission sources in a smaller overall area, with less distance for dispersion of emissions from all sources combined, even though the haul road sources will have lower emission rates.
- iii. Subject to input from the regulatory authorities, an evaluation of air quality impacts associated with a possible future change in the location of the aggregate processing operations may need to be addressed in a separate application for approvals. If the change to the location of the processing operations is part of the current application, a suitably conservative dispersion model scenario should be developed to evaluate air quality impacts for the case of a facility layout where applicable emission sources are relocated to Pit 3.

e. Air Quality and Blast Monitoring Programs

- i. It should be noted that section 6.3 includes a recommendation that an air quality monitoring program should be developed. Section 7 includes a statement that "Off-site impacts from combustion gases, while not directly assessed under the facility's blast monitoring program, will be influenced by the amount of explosive used and termination point for blasting operations." Since no details of proposed air quality monitoring or blast emissions monitoring programs were provided, they were not evaluated in this peer review. DST recommends that air quality monitoring and blast emissions monitoring programs should be developed, peer reviewed and implemented, as part of conditions imposed by planning or other applicable regulatory approvals for the proposed quarry expansion.

- f. Best Management Practices Plan
 - i. As noted above for section 3.4 of the AQIA report, a BMP is referenced to achieve a 75 % emission control for fugitive dust emissions from stockpiles. In the WRAP 2006 reference where this emission control value is listed, it refers specifically to the use of three-sided enclosures around stockpiles, to shield the stockpiles from wind. This emission control should be specifically mentioned in the BMPP report as a BMP to be implemented for stockpiles. In the Golder BMPP report, Table 3, alternate approaches to shielding stockpiles from wind are proposed, including the use of natural windbreaks, and stockpiles located below grade. The report should note that where these alternates approaches cannot be implemented, other BMPs could be implemented as noted in the WRAP 2006 reference, such as use of three-sided enclosures or watering of stockpiles in advance of high wind conditions.
 - ii. In section 4.3 it is noted that inspections on the conformity with the BMPs will be documented weekly by the Operations Supervisor using the Dust Control Inspection Form. However, changes in site conditions affecting dust generation and transport off-site can change quickly, even during a single day. In particular, changes in dust generation due to weather conditions, such as winds, sun and hot dry weather, can quickly evaporate water applied as a BMP on paved and unpaved roads. Also, during freezing conditions when watering cannot be implemented safely on roads, dusty conditions may occur more quickly and be difficult to control. A program of more frequent regular inspections (such as daily or regular intervals during the day) should be included for the most critical BMPs, such as watering and activities with greater risk of dust generation during high winds (material drop heights, drilling and blasting). A simplified daily inspections program and form could be developed, involving additional employees to complete regular 'high priority' item inspections as part of their daily work routine. Also, a system involving more employees trained and participating in monitoring and reporting problems with BMPs implementation/effectiveness during the work-day could improve response times to problems that develop and improve effectiveness of BMPs. If the additional monitoring/reporting activity is recorded (logs, forms) it would provide further documentation of the BMPs implementation.
- 4. Blasting Impact Assessment
 - a. DST is in conditional agreement with Golder's conclusions, provided the BIA report is revised to address and clarify the following:
 - i. In assessing the ground borne and airborne vibration impact on adjacent third-party sensitive receptors, Golder has used vibration and overpressure prediction models based on Golder's in-house vibration and overpressure data collected from monitoring similar

limestone quarry operations in Southern Ontario, in the absence of reliable site-specific data. Although DST is not questioning the authenticity of Golder's in-house data, it is prudent to use available published vibration and overpressure prediction models, so that its applicability can be easily verified by reviewers.

- ii. Since Golder's assessment is based on the existing blast design parameters presently being employed at the existing Pit 3 quarrying operations, the BIA report must clearly state that same blast design parameters will be employed in the proposed Pit/Quarry 3 Extension quarrying operations.
- iii. Since as of January 1, 2022, the Aggregate Resources Act will require: "*A licensee or permittee shall take all reasonable measures to prevent fly rock from leaving the site during blasting if a sensitive receptor is located within 500 metres of the boundary of the site*", flyrock range assessment should be included in the revised Golder's BIA report.
- iv. Golder has used aerial maps to illustrate the Quarry boundaries, and existing features which is useful. However, DST recommends inclusion of proper Site Plan Drawing sheets, including existing features and operation plans for verification of setback distances, existing rock elevations, final quarry floor elevation(s), cut sections, and other pertinent information.
- v. DST recommends development of a site-specific vibration prediction model based on data collected specifically for the purpose of developing such model during the first 12 months of proposed quarry operations.
- vi. The final engineering reports are generally signed and sealed by a Professional Engineer licensed to practice in the Province of Ontario.

Appendix 9: Natural Environment and Tree Preservation Plan Comments

Regional and NPCA staff and the peer review consultant (Dougan & Associated Ecological Consulting & Design) have reviewed the Natural Environment Level 1 & 2 Report (EIS), prepared by Golder Associates Inc. (dated October 2020), the Tree Preservation Plan, prepared by IBI Group (dated October 16, 2020) and the Hydrogeological Assessment (from a natural heritage perspective), and offer the following detailed comments:

1. Section 4.4 Field Surveys
 - a. According to Table 1, the first breeding bird survey (BBS) conducted in 2018 (June 21st) was conducted late in the breeding season potentially negatively affecting survey results. Song output typically starts to decline by the middle of June. However, this concern was lessened by the fact that the 2017 BBS surveys were well timed, as were the 2019 BBS.
 - b. Of lesser significance, the second BBS visit in 2018 (June 26th) did not occur at least a week after the first visit, as is the requirement when assessing territoriality. The same was also true for the 2nd BBS visit in 2019. However, if all species documented are considered confirmed breeders, these aberrations are not of concern.
 - c. According to the Marsh Monitoring Program, Anuran Call Counts (ACCs) normally take place during the first two weeks of April, May and June. However, according to Table 1, the only ACC conducted in 2017 took place on April 24th, falling in between the standard survey windows. The same was also true for the first ACC survey in 2020 which took place on April 28th, and the second ACC survey visit on May 19th 2020. Deviations in timing may be acceptable due to long stretches of substandard weather conditions that preceded the survey visits, but they should be documented for transparency. Please address.
2. Section 4.4.2.1 Habitat Assessment (Bat Surveys)
 - a. According to the report, an assessment of potential suitable bat maternity roost habitat was conducted. Although some of the results are included in Table 6 in Section 5.5.1.1, a complete assessment does not appear to be included in the report. Please provide for review.
3. Section 4.4.2.3 Acoustic Surveys (Bat Surveys)
 - a. Only one acoustic detector was deployed adjacent to a natural vegetation community over the course of the study, i.e. at the south end of the deciduous swamp (SWD3-2) in 2017. It was operational for only six nights, not ten, normally recommended by MNR/MECP. Why were no detectors deployed adjacent to the following locations at the north end of the study area: FOD7, FOD (immediately east of the extraction area), and especially FOD7-2, which is to be removed? Some of the trees in these vegetation communities may have been present in 1934 (based on historical

imagery) and given their maturity, would likely provide opportunities for bat roosting.

- b. Six passive full-spectrum bat detectors were deployed in 2019, at the residential properties on the Humberstone Speedway property. Furthermore, *"The detectors were programmed to record between a half hour before sunset and a half hour after sunset."* However, according to the *Bats and Bat Habitats: Guidelines for Wind Power Projects* (OMNR 2011), exit surveys (using bat detectors) are to occur from 30 minutes before dusk (i.e. approximately sunset) until 60 minutes after dusk (i.e. approximately 90 minutes after sunset). Please explain. Also, please provide the weather data to confirm how many of the 12 nights of monitoring were carried out under acceptable conditions.
4. Section 4.4.3 Breeding Bird Surveys and Bobolink/Eastern Meadowlark Surveys
 - a. Based on the number of stations surveyed in 2017 (14), 2018 (17) and 2019 (23), and the fact that up to three survey visits were carried out each year, quite a few field sheets appear to be missing from Appendix E. Please provide all field data sheets for review. Also, please ensure that the numbering of the point count stations in the data sheets corresponds with the same numbering on Figure 3. There appear to be a few discrepancies.
 5. Section 4.4.4 Amphibian Habitat Assessment and Anuran Call Count Surveys
 - a. According to the report, an assessment of surface water features was conducted to evaluate their suitability to support breeding amphibians. However, this information appears to be missing. Please provide.
 - b. Although the report indicates that the Anuran Call Counts followed the Marsh Monitoring Program protocol, the:
 - i. Majority of the point counts conducted on April 24th, 2017 didn't meet the minimum temperature thresholds for the second survey visit (the survey window to which this date was closest).
 - ii. May 19th, 2020 survey visit was carried out in weather conditions that were too windy, potentially negatively affecting (i.e. reducing) call output and survey results.
 6. Section 4.4.6 Fish and Fish Habitat
 - a. The Natural Environment Level 1 / 2 Report states that Golder used internal Technical Procedures 8.5.1 -Watercourse Mapping System to complete a qualitative fish habitat assessment of the East Wignell Drain in 2017 with two additional reaches assessed in 2019. The report states that during the fish habitat assessment, all reaches of East Wignell Drain on the site were surveyed and notes that a section between what are referred to as the North Channel and the South Channel was not surveyed. No habitat characterization was conducted downstream from the site. Please clarify.

- b. Golder Technical procedure 8.5.1, which was used to assess fish habitat, is not provided in the Natural Environment Level 1 / 2 Report. The Golder Response to the Region of Niagara comments on the Terms of Reference for the Natural Heritage Environment Work Program (refer to Appendix D of the Natural Environment Level 1 / 2 Report) indicates that the details of the method will be included in the combined Natural Environment Level 1/2 /EIS report. Please address.
 - c. Three documents are referenced as the basis for the habitat mapping methods. One of these (Roper and Scarnecchia, 1995) is not included in the References section of the report. Please address.
- 7. Section 4.5 Analysis of Significance and Sensitivity and Impact Assessment
 - a. According to the report, *“An assessment was conducted to determine if any significant environmental features or SAR exist, ...”* However, it does not appear that the deciduous swamp (SWD3-2) present at the north end of the subject lands was re-evaluated for significance using the field data collected from 2017 – 2020.
- 8. Section 5.2 Hydrogeology
 - a. Details regarding the hydrogeology characteristics as they relate to natural features present should be expanded. For example, specific information regarding depth to ground water (average, seasonal), flow rates, etc. would help to better understand the existing hydrogeological function of wetlands on the property.
- 9. Section 5.3 Surface Water Resources
 - a. Details regarding the surface water function as it relates to the deciduous swamp at the north side of the study area should be discussed in this section.
- 10. Section 5.4.2.1 Deciduous Swamp Characterization
 - a. Consistent with comments regarding the Hydrogeology and Surface Water Resources sections, a characterization of the overall hydrologic function of the swamp should be provided.
- 11. Section 5.5.5.1 Fish Habitat
 - a. Field sheets for the 2019 field investigations are in Appendix E of the Natural Environment Level 1 / 2 Report but the field sheets from the 2017 characterization do not appear to be. The units for electrical conductivity are reported to be $\mu\text{s}/\text{cm}$, which we interpret to be a short-form for microsiemens per centimeter, on one of the four field sheets and are not reported on the others. The reported values range from 0.192 – 0.196; these are three orders of magnitude less than would be expected. Are the numbers siemens per centimeter?

12. Section 5.5.5.2 Fish

- a. No fish sampling data were acquired through background review and no fish sampling was conducted during the field investigations. The report states that some of the warmwater fish species present in Lake Erie may be present in East Wignell Drain, West Wignell Drain, and Beaverdam Drain and that stocked coldwater species are unlikely to be present. Such statements would not normally be considered an adequate characterization of the fish community.

13. Section 6.3 Significant Wetlands

- a. The report states that *“There are no significant wetlands on the site.”* However, the deciduous swamp at the north end of the site (i.e. SWD3-2), acknowledged to be a non-provincially wetland (see Section 2.7), was not re-evaluated using the field data collected between 2017 and 2020. Data collected for this study could be used to determine if the status of the wetland would remain the same or may be updated.

14. Section 6.4 Significant Woodlands

- a. Table 9 uses feature IDs that are not presented on any of the report figures. Updating the figures to include the IDs would help with cross-referencing the features in question.
- b. Clarification should be provided as to whether, given existing conditions, woodland FOD7-2 would be considered a key feature given presence of Eastern Wood-Pewee and proximity to the east branch of the Wignell Drain.
- c. For transparency and clarity, data and assessment outcomes for woodlands on the site that were determined to be not significant should also be included.

15. Section 6.7.1 Seasonal Concentration Areas (Significant Wildlife Habitat)

- a. Given that no acoustic detectors were deployed adjacent to FOD7 or FOD7-2 (at the north end of the site), please indicate why these vegetation communities could not provide significant bat maternity roost habitat. Some of the trees in these vegetation communities may have been present in 1934 and given their maturity, may provide opportunities for roosting.

16. Section 6.7.3 Specialized Habitat for Wildlife (Significant Wildlife Habitat)

- a. The report states: *“Based on the result of the anuran call count surveys (Section 5.5.3) no SWH for amphibian woodland breeding was identified in the study area.”* However, Section 5.5.3 does not include abundance information for the species documented, therefore the information presented doesn’t allow an evaluation of significance. Furthermore, according to the Anuran Call Count data sheets included in Appendix E, it appears that calling levels at some stations exceeded the minimum

thresholds for significance recommended in the Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E (OMNRF, 2015). Please address.

- b. For transparency, it would be helpful if the report indicated why Woodland Area-Sensitive Bird Breeding Habitat was not present.

17. Section 6.7.4 Rare Habitat (Significant Wildlife Habitat)

- a. Please confirm why the woodland habitats at the north end of the study area (i.e., vegetation community SWD3-2, FOD7 and FOD7-2 are not considered Old Growth Forest SWH. The areas where these communities are present appeared to be mature forest in 1934.

18. Section 7 Impact Analysis

- a. Despite not being considered a Significant Woodland, the Impact Analysis section should acknowledge and discuss the loss of the 0.85 ha forest community FOD7-2, which is present within the proposed extraction limit.

19. Section 7.1.1 Birds (Threatened and Endangered Species)

- a. Report text on page 25 indicates that Bank Swallows were observed flying over the agricultural fields on the site in 2018 and 2019. Although no suitable nesting habitat is present on site, it was stated that the species could potentially be nesting in stockpiles in the aggregate pits to the west. It is also possible, although less likely, that Bank Swallows could be utilizing exposed cliff faces in recently excavated areas adjacent to the proposed quarry expansion area. In either case, the impact that the proposed quarry expansion would have on its foraging habitat should be evaluated, as per the General Habitat Description for Bank Swallow (OMNRF, 2015). Until this has taken place, and MECP has been consulted, it is premature to conclude that this species will not be negatively impacted by the proposal.
- b. As indicated in Section 5.5.2, and reconfirmed in Section 7.1.1, Bobolink and Eastern Meadowlark (both designated Threatened in Ontario) habitat was documented in 2017, 2018 and 2019, from within and directly adjacent to the site. Given the intent to develop these lands as an aggregate quarry, the Ministry of Environment, Conservation and Parks (MECP) must be contacted as per Section 23.6 of Ontario Regulation 242/08 to confirm compensation requirements. Please ensure that the Region is copied on all correspondence with MECP to ensure that the matter is being appropriately addressed. Furthermore, the statement that the local farmer is planning to replace the hay fields used by Bobolink and Eastern Meadowlark to a nitrogen fixing cover crop to restore nutrients may not be necessary given that, with an approved licence, the lands would be approved for extraction and thus long-term soil management would not be required.

20. Section 7.1.2 Bats (Threatened and Endangered Species)

- a. The report text concludes by stating that suitable bat maternity roost habitat is not expected to be negatively affected by the project. However, until the complete assessment of potential suitable bat maternity roost habitat is made available for review, this conclusion is premature. Please see previous comments related to this concern and provide the applicable field data sheets.

21. Section 7.2 Fish Habitat

- a. The impact of the realignment of Wignell Drain is not assessed. The Natural Environment Level 1 / 2 Report states “It is Golder’s understanding that the City is planning to realign the East Wignell Drain (formerly Mitchner Drain) around the eastern boundary of the site. Without these realignment design details, it is not possible to assess the potential effects of the proposed quarry expansion on the realigned Wignell Drain prior to its planned realignment.”
- b. The Natural Environment Level 1 / 2 Report indicates that, although drainage area to Wignell Drain will be lost, pumping from the expanded quarry will likely discharge water into the realigned drain, resulting in increased average annual flow while creating a stable flow regime with controlled peak flows. The report titled Hydrological Assessments in Support of Aggregate Resources Act Applications for the Port Colborne Proposed Pit 3 Extension, Port Colborne, Ontario (Golder, 2020) indicates that flow from the quarry expansion will be directed to both the East Wignell Drain and the West Wignell Drain. Please address this discrepancy and explain how dewatering from the quarry affect flows, including how it will create a stable flow regime.
- c. Please provide an assessment of the impacts on flows in East Wignell Drain and West Wignell Drain, as they relate to fish habitat, when quarry operations cease and an assessment of the fish habitat status of the 177 hectare lake that is expected to be present when the quarry ceases operation. Will fish habitat features be incorporated into the lake?

22. Section 7.3 Significant Woodlands

- a. It is acknowledged that the hydrogeology and hydrology reports are referenced and indicate that no impacts to the hydrologic function of the swamp in the north area of the site are expected. With regard to the surface hydrology however, there are no maps presented that show the existing catchment and surface drainage patterns as they relate to the swamp; therefore the no impact conclusion cannot be fully validated at this time.
- b. Additional detail is required to justify a 10 m buffer from the significant woodland feature. In addition to protecting the critical root zone of trees, other considerations should include, but are not limited to potential to mitigate impacts to the hydrologic function of the wetland (particularly surface drainage, and wildlife habitat functions).

- c. Recommendations provided in the Final Arborist Report (IBI, 2020) should be reflected in the Natural Environment Report and detailed on the Site Plan. In particular, potential impacts and recommendations to avoid compaction and root damage outlined in the Arborist Report section 5.1 and 5.2 should be presented in the appropriate sections of the Natural Environment Report.
- 23. Section 7.4 Significant Wetlands
 - a. Following from the comment related to the status of the swamp present at the north end of the site, a determination of whether data collected for this study may affect the status determination of the Upper Wignell Drain Wetland Complex assessment.
- 24. Section 7.6 Impact Assessment Summary
 - a. As noted in a previously, the Significant Woodland feature IDs should be presented on a map for clarity.
- 25. Section 7.5.1 Candidate Landbird Migratory Stopover Habitat (Significant Wildlife Habitat)
 - a. Please provide rationale in support of the statement that *"It is not anticipated that the proposed quarry expansion will have a negative effect on the use of this candidate (but unconfirmed) SWH by migrant birds."* In addition, following standard procedures, until the required field surveys have been conducted, the status of this SWH type should be considered confirmed.
- 26. Section 7.5.2 Candidate Woodland Bat Maternity Roost Habitat (Significant Wildlife Habitat)
 - a. Please see previous comments related to Bat Maternity Root habitat and reconfirm whether all candidate Bat Maternity Root SWH is located outside the proposed limit of extraction.
- 27. Section 7.5.3 Amphibian Wetland Breeding Habitat (Significant Wildlife Habitat)
 - a. Please see comment 13 and reconfirm whether Pond 3 represents the only confirmed SWH on the site.
- 28. Section 7.5.4 Habitat for Species of Conservation Concern (Significant Wildlife Habitat)
 - a. Please provide support for the conclusion that the proposed quarry expansion will not negatively impact Eastern Wood-Pewee and Wood Thrush, both of which would be directly adjacent to an active aggregate quarry, subject to increased disturbance (i.e. noise) and dust.
 - b. Re: Grasshopper Sparrow statements, the Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E (OMNRF, 2015) do not exclude actively managed agricultural lands from consideration as SWH. Furthermore, SWH assessment is not contingent upon when the proposed

development is to occur but rather the time the features were studied. Please address.

- c. Details regarding methods to avoid impacts to Snapping Turtle and associated habitat are required in the Natural Environment report and the Site Plan.

29. Section 7.6 Impact Assessment Summary

- a. Re: Table 10. Please review and revise as necessary, as per the preceding comments.

30. Section 8.0 Rehabilitation / Mitigation / Monitoring

- a. Notwithstanding previous comments, how will the loss of vegetation community FOD7-2 be mitigated/compensated? How will the functions be replaced, including lost wildlife habitat?
- b. Clarify if the rehabilitation located along the north section of the existing Pit 3 has been agreed on as part of the respective rehabilitation plan.
- c. Clarify if the proposed rehabilitation located at the north end of extraction area 3 and east of the deciduous swamp is feasible given the proposed realignment of Wignell Drain. Would an integrated approach be undertaken as part of the rehabilitation implementation?

31. Section 8.2.1 General Best Management Practices

- a. For clarity, please identify which vegetation features will be removed and would require nesting surveys if they are removed between April 15th – August 15th, and that this direction has been presented on the Site Plan notes.
- b. Third bullet should be separated to identify sediment and erosion controls etc BMPs from habitat screening for Bobolink or Eastern Meadowlark habitat.
- c. Fifth bullet should add that the use of native plant species should be prioritized for rehabilitation plantings, and that removal of existing habitat for Monarch can be offset by incorporating Common Milkweed where appropriate.

32. Section 8.3 Monitoring

- a. Specific targets should be established to identify low versus high-risk changes to ground water level draw-down in the overburden in protected features. As well, the appropriate contingency measure that will be implemented should ground water levels drop below the high-risk threshold should be identified and actions documented on the Site Plan.
- b. In addition to the proposed wetland vegetation monitoring program, it is also recommended that a wildlife monitoring program be established:
 - i. In the deciduous swamp (SWD3-2). It should include breeding bird surveys and anuran call count surveys and aim to document whether the proposed adjacent extraction activities negatively

impact species diversity and abundance, especially the Species at Risk known to occur in the woodland.

- ii. At each of the wetland replacement habitats along the periphery of the extraction area. The purpose of this monitoring would be to document the success of these features as breeding habitat for amphibians as well as foraging and overwintering habitat for Snapping Turtle.

33. Section 10.0 Site Plan Notes

- a. Site plan notes should summarize the comprehensive set of recommendations identified in the Natural Environment Report, including but not limited to, sediment/erosion controls, nest screening of all vegetated areas if removal is undertaken April 15th-August 15th, wildlife screening where habitat removal is proposed, etc. This includes recommendations presented in Section 9.0, and other recommendations that are determined to be appropriate based on the outcome of this review and final modifications.

34. Figures

- a. Vegetation community FOD7-2 is missing from Figure 1. Please address.
- b. For clarity and future ease of review, please include Breeding Bird Survey (BBS) station 10 and Anuran Call Count (ACC) station 11 on Figure 3.

35. Appendix C Wildlife List

- a. According to the list of wildlife species, only three invertebrate species were documented. However, upon review of the field data sheets contained in Appendix E, at least three additional species were also documented. If the Natural Environment Report is revised, please include all invertebrate species on the Wildlife List.

36. Wignell Drain

- a. The Wignell Drain (east branch) runs through two different sections of the subject lands. It is the NPCA's understanding that the City of Port Colborne is undergoing the necessary *Drainage Act* process to relocate the northern portion such that the Drain would not bisect the Phase 3 extraction area. This will be a separate process from the applications being reviewed. The NPCA will be involved in that process and has no comment at this time of the relocation of this section of the Wignell Drain.
- b. There is a southern section of the Wignell Drain that bisects an area for extraction. The applicant has indicated that the City will be realigning that portion of the Drain. In conversations with City Staff, the City has not received any request to realign that portion of the Drain and it is not part of current updates to the Drainage Engineering Report. This proposed realignment will have to go through the *Drainage Act* process, which would be led by the City and separate from these applications. It is our understanding that there are concerns with the increase in channel length

that would result from such a realignment. More detailed information would need to be reviewed during the *Drainage Act* process.

- c. Additional comments relating to the Wignell Drain include:
 - i. The EIS indicates that, although drainage area to Wignell Drain will be lost, pumping from the expanded quarry will likely discharge water into the realigned drain, resulting in increased average annual flow while creating a stable flow regime with controlled peak flows. The Hydrological Assessments indicates that flow from the quarry expansion will be directed to the Wignell Drain (both the east and west branches). Please address this discrepancy and explain how dewatering from the quarry affect flows, including how it will create a stable flow regime.
 - ii. Assessment of the impacts on flows in Wignell Drain (east and west branches), as they relate to fish habitat, when quarry operations cease and an assessment of the fish habitat status of the 177 hectare lake that is expected to be present when the quarry ceases operation. Will fish habitat features be incorporated into the lake?

37. Wetland

- a. The Wignell Drain Wetland Complex is an LSW at the northern portion of the subject lands. The applications are not proposing any extraction within the wetland. This is consistent with Section 8.2.2.1 of the NPCA's Policies. The applications propose a 10 metre buffer from the wetland to extraction areas. NPCA staff have concerns with this and note additional information is required to determine if the 10 metre buffer is sufficient and demonstrate conformity with Section 8.2.3.5 (d):
 - i. The EIS indicates that there are no significant wetlands on the site; however, it does not appear that the LSW (SWD3-2) present at the north end of the subject lands was re-evaluated for significance using the field data collected from 2017 – 2020. Data collected for this study could be used to determine if the status of the wetland would remain the same or may be updated.
 - ii. Details regarding the hydrogeology characteristics as they relate to natural features present should be expanded. For example, specific information regarding depth to ground water (average, seasonal), flow rates, etc. would help to better understand the existing hydrogeological function of wetlands on the property. In addition, a characterization of the overall hydrologic function of the LSW should be provided.
 - iii. Details regarding the surface water function as it relates to the LSW at the north side of the study area should be discussed in Section 5.3 of the EIS.

Appendix 10: Comprehensive Rehabilitation Plan Strategy Comments

Regional and City planning staff have reviewed the Comprehensive Rehabilitation Strategy, prepared by IBI Group (dated October 2020), and offer the following detailed comments:

1. S. 2.2, Page 1 – Policy 6.C.9 of the Regional Official Plan is in regards to Regional Roads. The roads between the PCQ pits are not Regional Roads.
2. S. 2.3, Page 2 – Policy 10.2.1. of the Port Colborne Official Plan requires rehabilitation to be completed sequentially and in a “reasonable time”. The application and Rehabilitation Strategy should better demonstrate how rehabilitation is occurring in a “reasonable time”.
3. S. 3.1, mid-way through Page 6 – reference to a 2028 Site Alteration Agreement. Assume this date is incorrect and should be 2018.
4. S. 3.2, Page 8 – It is stated that it will require “many years” for the pits to fill and the ground water to reach equilibrium. Can a quantitative estimate be provided?
5. S. 3.3. Page 8-9 – The rehabilitation strategy should provide a clear estimate on when operations will be switched from Pit 1 to Pit 3, and therefore when the planned rehabilitation of Pits 1 and 2 will start.
 - a. This should include detail on the anticipated opening of the Highway 3 access and closure of the current access and internal haul road.
6. S. 5., Page 12 - Why is this section called “current” rehabilitation plan. Is there a former rehabilitation plan that should be referenced? Is the rehabilitation plan expected to be changed in the future?
7. S. 5., Page 12 – states that “At this time, long-term ownership of the lands is intended to remain with PCQ.” Will public access be permitted?
8. S. 6., Page 12 - The timing and dates in this section require review and revisions. For example, it states that Pit 3 Extension is being prepared for extraction in 2030 and that the lake is beginning to fill in 2050. This would be less than 20 years of operations. This does not align with a range of estimates in the application, including 35 years.
 - a. Decade timing increments (2030, 2040, 2050) do not provide sufficient detail of when significant events will occur.
9. S.8., Page 13 – modified strategy. If this modified strategy were used, would it not result in a significantly longer time before the pumps could be turned off and Pit 2 allowed to fill?
10. S. 9, Page 15 – The final summary states that public access would be permitted to view the Area of Natural and Scientific Interest (ANSI) in the industrial subdivision. Would public access be permitted in the Western and Eastern Lakes?
11. Further commentary regarding the future plans of Pit 1 should be included. Based on PCQ and City discussions, the filling of Pit 1 is on-hold for the time being – this should be reflected in the Comprehensive Rehab Plan for full transparency. A timeline of when this will be active again should also be included. The Comprehensive Rehabilitation Plan must comply with City of Port Colborne Official Plan policies, specifically Section 10.2.1 j) and 10.2.2 c).

Appendix 11: Social Impact Assessment Comments

City planning staff have reviewed the Social Impact Assessment, prepared by IBI Group (dated December 2020) (SIA) and offer the following detailed comments:

1. Berms F and G do not correctly correspond with the applicable site plans. Which is correct?
2. Will there be an impact on neighbouring property values?
3. The outstanding uncertainty of the future of Pit 1 and specifically groundwater should be included in the SIA. How has the relationship with PCQ and the abutting neighbours influenced the social impact?
4. Additional reflection on the social impact on the public process itself is required to ensure impact on neighbouring property owners and their concerns are addressed through the public process.
5. What will the quarry mean for future generations, not just existing property owners?

Appendix 12: Traffic Impact Study Comments

Ministry of Transportation (MTO), Regional and City transportation staff have reviewed the Traffic Impact Study, prepared by IBI Group (dated October 19, 2020) (TIS), and offer the following detailed comments:

1. Regional transportation do not have any comments on the TIS and note that truck traffic from the site will not use Miller Road. Regional staff are looking for clarification on the farm access, which is was not included in the TIS but was shown and noted on the plans and what the intended use is for this access on Millar Road. Once this is clarified, further detailed comments on implementation and permitting requirements will be provided. If there are no future changes to the TIS, the Region will accept this TIS for this application and have no further comments.
2. Carl Road between Highway 3 and Second Concession Road is a rough road; however, there does appear to be a road there (as demonstrated by that fact that we have provided a stop sign in the SB direction). Will this road allowance be formally closed by the City through a By-law?
3. It appears Highway 3/Carl Road/Weaver Road is already constructed as a four leg intersection. Use of this access by the quarry should not be assumed until it is formally a permitted access under their name (i.e. close the municipal road, then permit this location as an entrance, then the quarry can use it for operational purposes.)
4. The MTO has indicated that recommended eastbound left turn on Highway 3 Access will be the responsibility of the proponent. As this new proposed site entrance will be opened in 2034, the proponent will submit an updated report regarding its operation and details of other geometric improvements (if required at that time) based on future conditions (2034 & 2039) before construction / opening to site traffic for the Ministry's review and approval.
5. The recommended increase in the taper length of southbound right turn on Highway 140 and Second Concession Road intersection beyond 2039 due to background traffic will be considered by the Ministry, subject to the vehicle delays and increase in the traffic volumes due to which right turn vehicles overspill to the southbound through lane and causing delay to the straight through traffic in 2039.
6. The figures in the TIS do not show the two way stop control at the intersection of Highway 3/Carl Road/Weaver Road (stop signs on NB and SB intersection approaches).
7. The remainder of the TIS is acceptable to the MTO.
8. Page 9 of the PDF (labelled Page iii) - Reference to "Highway 130" should be "Highway 140".
9. Have there been any issues with the Babion Road crossing from Pit 2 to Pit 3? It appears on site that Babion Road is secondary to the truck crossing.

Appendix 13: Visual Impact Study Comments

Regional and City staff have reviewed the Visual Impact Study, prepared by IBI Group (dated December 2020) and offer the following detailed comments:

1. Berms F and G do not correctly correspond with the applicable site plans. Which is correct?
2. Are the 2m berms satisfactory for the Miller Road frontage? The report states more importance put on residences rather than traffic, but berms are higher at the highway frontage than the residences abutting.
3. Is there enough overburden for the construction of the berms?
4. Pg. 8 – viewshed 3, C-C states there is existing vegetation to block the view of the stockpile; however, the cross sections do not show any vegetation. If there isn't vegetation currently there, will PCQ be enhancing the screening here?
5. Pg. 9 – viewshed 3, D-D same as above. Existing vegetation does not appear to be on the property currently.
6. More consideration required with respect to the “existing intervening screening vegetation”. Seasonally, the coverage will change with these existing plantings.
7. PCQ needs to ensure these vegetative buffers are in place and adequate for all season use if they are being relied on for visual mitigation. To be conservative, it should be assumed that existing vegetation on private property will not be there indefinitely.

Appendix 14: Site Plans

Staff have reviewed the Plans submitted with the applications, and offer the following detailed comments:

1. General: the Site Plans show realignment of the Wignell Drain, which is subject to prior approval from the municipality. This should be clearly referenced on the Site Plans.
2. Page 3: Operations
 - a. Drawing indicates “East end of Drain to be truncated with on-site clean fill” – suggest that drawing reflect requirement for municipal (Drainage Act) approvals
 - b. 5% grade at entrance
 - c. It is unclear what the dotted lines through the site are intended to show – possibly haul route? Phasing? Please clarify.
 - d. Linework is similar to blast zone and archaeology zone limits so would be clearer to label what these lines are
 - e. Add berm symbol to legend – confirm configuration of berms around the weigh scale and scale house area
 - f. Label berms to correspond with VIA notes on Page 5
3. Page 4 – Operational Notes Plan
 - a. Note 2 – indicates that hours of operation can be extended “to the extent necessary to address exceptional circumstances” – confirm that this is acceptable in Niagara – in other areas it is not uncommon to have municipal approval to extend hours or require notification at minimum
 - b. Note 3 – indicates access to Humber Speedway and Carl Road entrances to be permanently closed – Page 3 shows “gated and closed” – perhaps for consistency show same wording on Page 3
 - c. Note 5b – clarify that the new entrance onto Hwy 3 is to be coordinated with a new processing/ wash plant in existing license (4444)
4. Agricultural Notes
 - a. Note 3- licensed boundary should be aligned with property boundary – this is common but not sure it is an agricultural condition?
 - b. Note 4b) - vague, how is this enforced?
 - c. Note 6- not sure what this is referring to? “proposed entrance onto Hwy 3 shall be designed and constructed to accommodate existing land uses”
 - d. Note 7- perimeter fencing – not an agricultural condition
 - e. Notes 10, 11, 12, 13 – agricultural conditions?
5. Noise
 - a. Note 2- for berm heights, cross reference to the VIA requirements would be useful

6. Air Quality

- a. Note 1- Need to be clearer – what does “when extraction face approaches property line” mean? Within 5metre? Within 50 metres? Within 500 metres?
This is not an enforceable condition
- b. Note 2- 4,500 kg/day – how does this relate to tonnage?

7. Blasting

- a. Note 3- s/b “Maintain
- b. Add a note that PCQ will provide the Region and City with a copy of blast records upon request.
- c. Notes seem to indicate that after the first 5 blasts, site specific attenuation protocols will be established – Page 3 shows area for “limit of increased blast monitoring” – notes should clarify why and how this limit was established?

8. Hydrogeology

- a. Notes are good – sometimes you see a note indicating annual reports to be made available to MNR/MECP – the Region and City should be included in these notes.

9. NE notes

- a. very detailed
- b. Note 5- confirm which Operational Note 12 is being referenced.

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via E-mail Only

July 4, 2022

File No.: D.13.07.ROPA-21-0001
D.10.07.OPA-21-0016
D.18.07.ZA-21-0028

David Sisco, MCIP, RPP
Senior Planner, IBI Group
101-410 Albert Street
Waterloo, ON N2L 3V3

Dear Mr. Sisco:

**Re: Comment Letter from Joint Agency Review Team (JART)- 2nd Submission
of Technical Materials**

**Regional Official Plan Amendment 20
Local Official Plan Amendment D09-02-21
Zoning By-law Amendment D14-09-21
Owner/Applicant: Port Colborne Quarries Inc.
Agent: David Sisco c/o IBI Group
Address/Location: Part Lot 17, 18, 19, Concession 2 (formerly Township of
Humberstone) and Plan 59R-16702
City of Port Colborne**

Members of the Joint Agency Review Team (JART) and the peer review consultants retained by the JART have reviewed the information submitted in response to the JART comments issued on July 28, 2021. (i.e. 2nd submission of technical material)

The following was reviewed as part of the resubmission package:

- Revised Planning Justification Report, prepared by IBI Group (dated January 28, 2022);
- AIA Response to JART Comments Letter, prepared by Colville Consulting Inc. (dated October 5, 2021);
- Updated Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated October 18, 2021);
- Financial Impact Assessment / Economic Benefits – Revised Report, prepared by IBI Group (dated October 20, 2021);

- Response to JART Hydrology Peer Review Comment – Technical Memorandum, prepared by Golder Associates Inc. (dated January 28, 2022);
- Revised Hydrogeological Assessment, Level 1 / 2 Water Resources Study, prepared by Golder Associates Inc. (dated October 2021);
- Revised Land Use Compatibility / Sensitive Land Use Study, prepared by IBI Group (dated December 15, 2021);
- Addendum to the Noise Impact Assessment Report – Technical Memorandum, prepared by Golder Associates Inc. (dated January 21, 2022)
- Response to the Joint Agency Review Team Letter - Air Quality Impact Assessment – Technical Memorandum, prepared by Golder Associates Inc. (dated December 10, 2021);
- Addendum to the Air Quality Impact Assessment Report – Technical Memorandum, prepared by Golder Associates Inc. (dated January 14, 2022);
- Response to Comment Letter from Joint Agency Review Team (JART) [Blasting (Vibration) Impact Assessment], prepared by Golder Associates Inc. (dated October 4, 2021);
- Flyrock Impact Assessment – Technical Memorandum, prepared by Golder Associates Inc. (January 7, 2022)
- Response to JART Comments on the Natural Environment Level 1 & 2 Report (EIS) – Technical Memorandum, prepared by Golder Associates Inc. (dated November 24, 2021);
- Supplemental Bat Survey in Support of the Natural Environment Level 1 & 2 Report (EIS) – Technical Memorandum, prepared by Golder Associates Inc. (dated January 31, 2022);
- Revised Comprehensive Rehabilitation Strategy, prepared by IBI Group (dated December 15, 2021);
- Revised Social Impact Assessment, prepared by IBI Group (dated December 15, 2021);
- Revised Visual Impact Assessment, prepared by IBI Group (dated December 15, 2021);
- General Operational Notes (dated January 13, 2022);
- Site Plan Drawings (1-9), prepared by IBI Group (Dated November 15, 2021);

Summary

Although many of the previous comment have been addressed as part of the resubmission package – there are still some outstanding concerns with the technical studies.

Regional staff cannot confirm that the proposed amendments are consistent with the Provincial Policy Statement and conform with Provincial Plans and the intent of Regional Official Plan and Local Official Plan. Revisions and clarifications to the submitted plans and studies are required to address the items outlined in this letter prior

to the applications being presented at a Public Meeting and before staff can make a recommendation on the proposed amendments.

Please advise if any further discussions between technical experts are required to resolve any of the outstanding issues.

The manner in which comments have been addressed range across the technical submission. For some disciplines the original technical study has been updated to reflect the proposed changes. For other disciplines only a letter or technical addendum was submitted, providing the additional information or proposing how changes will be made. The JART is requesting that once the outstanding concerns are addressed that the technical reports be updated and submitted. It is assumed that responses and updates will also be required in response to comment from the ARA application process and the public.

Planning Justification Report

Regional and City planning staff have reviewed the Revised Planning Justification Report, prepared by IBI Group (dated January 28, 2021) (PJR).

The PJR addresses most of the relevant Provincial, Regional and Local planning policies. The majority of the previous comments have been addressed. However, there are still several issues relative to: interpretation of the Growth Plan Natural Heritage System; identification of groundwater resources (i.e. Highly Vulnerable Aquifer); and inclusion of policy analysis relative to groundwater protection that will need to be addressed before staff can confirm compliance with Provincial and Regional policies in accordance with the *Planning Act*. There are several aspects of the PJR that may need to be addressed pending final resolution of the realignment of the Wignell Drain.

More detailed comments on the PJR are included in Appendix 1, and additional comments on alignment with Provincial and Regional policies relative to the technical studies are provided below.

Agricultural Impact

Regional staff have reviewed the Updated Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated October 18, 2021) (AIA), and the AIA Response to JART Comments, prepared by Colville Consulting Inc. (October 5, 2021) and have no outstanding comments related to the AIA.

Archaeology

There are no outstanding concerns related to the Archaeological Assessments that were submitted with the applications. As recommended further work will be required at subsequent phases of the project. Detailed comments are included in Appendix 3.

Cultural Heritage

As detailed in the July 2021 comment letter, the JART has no outstanding concerns with the application from a cultural heritage perspective.

Financial Impact

Overall, the resubmission of the financial and economic impact study addresses the majority of the previous comments. Issues that are outstanding are provided as part of the detailed comments in Appendix 5.

Hydrology (Surface Water)

The JART and the peer review consultant (Matrix Solutions Inc.) have reviewed the Response to JART Hydrology Peer Review Comment – Technical Memorandum, prepared by Golder Associates Inc. (dated January 28, 2022).

There are several technical comments that remain outstanding or have not been resolved. Outstanding comments are primarily related to the realignment of the Wignell Drain, but do also relate to other aspects of the proposal. Detailed comments are provided in Appendix 6.

Hydrogeology (Groundwater)

The subject lands are located within a Highly Vulnerable Aquifer. Provincial and Regional policy requires the protection, improvement or restoration of the quality and quantity of water through a number of means.

The resubmission of the Hydrogeological Assessment, prepared by Golder Associates Inc. as well as a further comment letter dated May 16th, 2022 have been reviewed by the JART and the peer review consultant (Terra-Dynamics Consulting Inc.).

There are several technical comments that remain outstanding. The outstanding comments are detailed in Appendix 7.

Land Use Compatibility

The following site specific studies were reviewed by Region and City staff as well as the peer review consultant (DST Consulting Engineers Inc.) as part of the resubmission package:

- Revised Land Use Compatibility / Sensitive Land Use Study, prepared by IBI Group (dated December 15, 2021);
- Addendum to the Noise Impact Assessment Report – Technical Memorandum, prepared by Golder Associates Inc. (dated January 21, 2022)

- Response to the Joint Agency Review Team Letter - Air Quality Impact Assessment – Technical Memorandum, prepared by Golder Associates Inc. (dated December 10, 2021);
- Addendum to the Air Quality Impact Assessment Report – Technical Memorandum, prepared by Golder Associates Inc. (dated January 14, 2022);
- Response to Comment Letter from Joint Agency Review Team (JART) [Blasting (Vibration) Impact Assessment], prepared by Golder Associates Inc. (dated October 4, 2021);
- Flyrock Impact Assessment – Technical Memorandum, prepared by Golder Associates Inc. (January 7, 2022)

Detailed comments are provided in Appendix 8. The number of outstanding concerns range from blasting, to which all concerns have been addressed, to noise impact, where the majority of previous comments are outstanding.

Core Natural Heritage

Both the Response to JART Comments on the Natural Environment Level 1 & 2 Report (EIS) – Technical Memorandum, prepared by Golder Associates Inc. (dated November 24, 2021) and the Supplemental Bat Survey in Support of the Natural Environment Level 1 & 2 Report (EIS) – Technical Memorandum, prepared by Golder Associates Inc. (dated January 31, 2022) have been reviewed by the JART and the peer review consultant (Dougan & Associates Ecological Consulting & Design). There are several items that still remain outstanding and must be addressed before a determination can be made on the application. More detailed comments are provided in Appendix 9, and should be addressed through a revised EIS.

Rehabilitation

The Revised Comprehensive Rehabilitation Strategy, prepared by IBI Group (dated December 15, 2021) has addressed the majority of the previous comments. A detailed review of the previous comments is included in Appendix 10. The rehabilitation strategy however does not address the realignment of the Wignell Drain. Figures included in the rehabilitation strategy do not align with the figures included as part of the Site Plan drawing package.

Social Impact

City of Port Colborne Staff have reviewed the revised Social Impact Assessment and have no outstanding concerns.

Transportation

Several comments on traffic and transportation were included in Appendix 12 of the original JART comment letter. The resubmission package in early 2022 did not explicitly address these comments. Following a verbal conversation with David Sisco of IBI an e-

mail was submitted on May 30, 2022 to address several of the traffic/transportation comments. The information included in that e-mail was reviewed by Regional transportation staff. Appendix 12 of this letter provides the status of the previous comments.

MTO did not respond to the circulation of the resubmission package. At this time we cannot confirm the status of MTO comments that were provided on the traffic study or related to stormwater management. We will continue to follow-up with MTO.

Visual Impact

There are no outstanding concerns with the visual impact assessment.

Environmental Site Assessment and Soil Management Plan

Commentary and discussion regarding the environmental site assessment and soil management plan were provided in the first JART comment letter. There are no outstanding concerns with the report. The request made in the first letter continue to apply.

Draft Amendments

Draft Regional Official Plan Amendment (ROPA)

Regional staff will continue to review the draft ROPA as the outstanding technical issues are being addressed by the applicant.

Draft City of Port Colborne Official Plan Amendment (OPA)

Outstanding concerns on the draft Local OPA have been addressed. City and Regional staff will continue to review the draft LOPA as the outstanding technical issues are being addressed by the applicant.

Draft Zoning By-Law Amendment (ZBA)

Outstanding concerns on the draft ZBLA have been addressed. City and Regional staff will continue to review the draft ZBLA as the outstanding technical issues are being addressed by the applicant.

Site Plan Notes

Staff have reviewed the updated site plans and site plan notes which were included in the resubmission package, detailed comments are provided in Appendix 14.

Relocation of Wignell Drain

The relocation of the Wignell Drain remains one of the major outstanding technical issues related to the application. There were a range of issues identified in the first set of technical comments from the JART. Many of these issues remained outstanding

following the review of the resubmission materials. A technical meeting was hosted by the JART on Monday June 13, 2022 in attempt to communicate the outstanding issues and seek clarification on a number of technical issues in regards to the realignment. A new Appendix 15 has been added to this letter to summarize some of the issues associated with the Wignell Drain. Appendix 15 should be read in conjunction with individual comments on the proposed realignment which appear in each of the individual sections of this letter.

Regional and City planning staff have had preliminary discussion with provincial staff regarding the most appropriate resolution of this issue. We would be happy to participate in additional discussions with the province on resolving this technical issue if required.

Conclusion

In conclusion, although many of the technical issues have been addressed as part of the resubmission package – there are still some outstanding concerns with the technical studies.

Regional staff cannot confirm that the proposed amendments are consistent with the Provincial Policy Statement and conform with Provincial Plans and the intent of Regional Official Plan and Local Official Plan. Revisions and clarifications to the submitted plans and studies are required to address the items outlined in this letter prior to the applications being presented at a Public Meeting and before staff can make a recommendation on the proposed amendments.

Kind regards,



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Senior Planner

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Appendix 1: Planning Justification Report Comments

Regional and City planning staff have reviewed the Revised Planning Justification Report, prepared by IBI Group (dated January 28, 2022) (PJR) as well as the overall resubmission cover/response letter from IBI (dated January 31, 2022), and offer the following based on our previous comments:

1. Contact Information, Page 1 – Dan Corkey’s e-mail address appears to be incorrect.
Comment addressed.
2. S. 1, Page 1, last paragraph – Pit 1 and 2 are within the City’s “Urban Area Boundary”. Pit 3 and the proposed extension area is outside of the “Urban Area Boundary”. Please revise and use the correct terminology.
Comment addressed.
3. S. 6, Page 8 - City of Port Colborne Zoning By-law is improperly referenced as By-law “83-38”. “6575/30/18” is the correct number.
Comment addressed.
4. S. 6, Page 8 – It may be helpful to note here that the site is not within the mapped Growth Plan Natural Heritage System (NHS). Although because of the changes that were made from the 2017 and 2019 Growth Plan, some of the Growth Plan NHS policies apply to the Region’s existing natural heritage system, [the mapped] Growth Plan NHS does not apply until the Region has completed its municipal comprehensive review. This is an important distinction that needs to be recognized and more accurately analyzed in the PJR.
Comment addressed.
5. S. 6.1.1, Page 10 – Regional staff disagree with the interpretation of PPS policy 1.7 j) (which is incorrectly labeled as d) in the report. The total distance that the aggregate material will travel does not change (i.e. whether it travels interior or exterior to the site).
Response accepted.
6. S. 6.1.1 General- Should the manufacturing/production be moved to Pit 3, how will this affect the tax-base of Pit 1 and the overall Port Colborne Quarry (PCQ) lands? Long-term economic prosperity will change depending on the future use of Pit 1, which has not been determined.
Comment addressed.
7. S. 6.1.2., Page 12 – Regional staff do not agree with the interpretation of PPS policy 2.1.9 as it relates to this application. Regional staff is of the opinion that PPS policy 2.1.9 is not relevant to this application.
Comment addressed.
8. S. 6.1.7., Page 19 – The interpretation and analysis of PPS policy 3.2.2. will need to be updated to reflect the results of the Phase 1 ESA/soil management plan.

9. S. 6.2.1., Page 20 – Regional staff do not agree with the interpretation of Growth Plan policy 3.2.7. The policy is not stating that a subwatershed study is required as part of the application. The policy is stating that stormwater management (SWM) plans must be informed by subwatershed planning or equivalent. A SWM plan was identified as a requirement for the application. The SWM plan should be informed by all available information, including existing watershed planning and equivalent information.

Comment addressed pending the final resolution of the outstanding issue regarding the realignment of the Wignell Drain.

10. S. 6.2.2., Page 21 – As noted above, the site is not within the mapped Growth Plan NHS (although some Growth Plan NHS policies apply to the Region's existing NHS). Provincial NHS policies should be correctly interpreted as they relate to the application.

The comment has not been adequately addressed.

11. S. 6.2.3, Page 23 – With regard to the interpretation of Growth Plan policy 4.2.3.2 a): the analysis was completed for “key hydrologic features” whereas the policy related to “key hydrologic areas”. There is an important difference between features and areas. In the case of this application, “key hydrologic areas” would be the highly vulnerable aquifer (HVA) below the site. The PJR in general is lacking in regards to the identification and analysis of groundwater features / key hydrologic areas / HVA.

Comment not addressed. The PJR is not appropriately addressing ‘key hydrologic areas’ and the HVA specifically. Much of the additional text that was added was related to the wetland, which is a ‘key hydrologic feature’. The highly vulnerable aquifer is an important Local and Regional issue and needs to be adequately addressed in the PJR and application in general.

12. S. 6.2.3, Page 23 – With regard to the interpretation of policy 4.2.3.2 b): this policy is not asking for a subwatershed plan to be completed, it is suggesting that development in a key hydrologic area needs to be informed by watershed, subwatershed planning, or equivalent. This existing information is available and should be considered as part of the application.

Comment addressed.

13. S. 6.2.5, Page 26, Response to item 6- To clarify, the Region did not “insist” on the entrance being on Highway 3. This was the preferred location of PCQ, to which the Region agreed. The Region contacted the MTO and was able to work towards a solution.

Comment addressed. (note in the January 31, 2022 cover letter this response was not numbered – therefore all of the response following this do not match the numbering from the original June 2021 JART comment letter)

14. S. 6.2.6, Page 29, Response to item 3- The site is also mapped as Prime Agricultural Area as part of the Provincial Agricultural System under the Growth Plan.
Comment addressed.
15. S. 6.2.6, Page 31, Item 5 b) - The site is not within the mapped Growth Plan NHS area. It is Regional staffs' interpretation that this policy would not apply. *Comment partially addressed. The cover letter indicate agreement with the comment and that it would be removed from the PJR. However, the text still appears in the PJR.*
16. S. 6.4.2, Page 37 – With regard to the interpretation of ROP policy 6.C.8: how is the test of 'continuous and harmonious rehabilitation' being met?
Comment addressed.
17. S. 6.4.4, Page 38, Policy 7.B.1.16. - As per recent discussions, the City is not proposing to realign the entire portion of the drain that would be required to support the application. Additional work and analysis as part of the PJR and other technical studies will be required regarding the realignment of the Wignell Drain. The City has indicated that further discussion regarding the realignment of the drain are required.
Comment addressed pending the final resolution of the outstanding issue regarding the realignment of the Wignell Drain.
18. General (referenced multiple times) – With regard to the inclusion of the existing dwellings in the Zoning By-law Amendment (ZBA), a policy will be required in the OPA to reflect this as well. The current Official Plan does not support this use. City staff understand the reasoning behind this; however, it needs to be included.
Comment addressed.
19. S. 6.5.6, Page 51, Table 3, Policy viii– Is there enough overburden to complete the rehabilitation without bringing in off-site topsoil? If there currently isn't enough for Pits 2 and 3, staff assume the same would be the case for the Pit 3 extension.
Comment addressed.
20. S. 6.6.6, Page 57/58 – Confirm that no fill is required. It is understood that PCQ is currently in discussions with the City regarding the need to import fill for the rehabilitation of Pit 2.
Comment addressed.
- S. 6.6.7, Page 58 – As per the comment above, the City is only proposing to realign the north portion of the drain. The PJR and other technical studies will need to consider the realignment of the entire portion of the drain that is required to support the proposed application.
Comment addressed pending the final resolution of the outstanding issue regarding the realignment of the Wignell Drain.

21. S. 6.8, Page 64 – As noted above, a Special Policy in the OPA will be required to permit the existing detached dwellings.

Comment addressed.

22. S. 7.1, Page 66 – Will the Environmental Site Assessment (ESA)/soil management plan recommend the Humberstone Speedway soils be used on site, rather than being disposed of? This is of specific concern to neighbouring property owners, and will be a key issue with the application. The PJR should be updated to reflect the recommendations of the Phase 1 ESA and soil management plan, with an outline of next steps and a timeline for future work required.

Comment addressed.

23. S. 7.2, Page 67- “Snyder” road should be spelled “Snider” Road. “Left-turning ‘land’” should be spelled “lane”.

Comment addressed.

24. S. 7.3, Page 67 – If production is expected to increase, why is the lifespan longer than anticipated? More consideration should be given to the estimation of the lifespan across all studies to avoid conflicting timelines.

Comment addressed.

25. S. 8.11, Page 95 – The second to last paragraph states that the timing is dependent on the haul route being moved. It would be helpful to have some understanding on that timing to better understand the application.

26. S. 8.13, Page 96 – “Snyder” should be “Snider”.

Comment addressed.

27. S. 10, Page 101 – This section refers to a planning summary report and Township Official Plan. This section should be corrected to “Planning Justification Report” and “City Official Plan”.

Comment addressed.

Additional comment:

For the Rehabilitation Plans it can be confusing that Phase 1A has sub-phases 1a, 1b, 1c, 1d. When reviewing any text or description of the operation or rehabilitation it is easy to confuse 1A with 1a, or 1B with 1b. Consideration should be given to using an alternative naming convention.

Appendix 2: Agricultural Impact Assessment Comments

Regional staff have reviewed the Updated Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated October 18, 2021) (AIA), and the AIA Response to JART Comments, prepared by Colville Consulting Inc. (October 5, 2021) and have no outstanding comments.

Appendix 3: Archaeological Assessment Comments

Regional staff reviewed the Stage 1 and 2 Archaeological Assessment and Supplementary Documentation, both prepared by Golder Associates Inc. (dated November 24, 2020) (the Assessments) as part of the first submission. At that time the only comment below which required additional information was #6. Subsequently the MHSTCI's letter dated February 15, 2021 has been received.

1. The Assessments cover the entirety of the lands subject to the quarry application.
Comment for information only. No response was required.
2. The Assessments identifies many archaeological sites on the properties.
Comment for information only. No response was required.
3. Several sites were not considered to have further cultural heritage value or interest and were not recommended for further study.
 - a. This includes: Location 2 (AfGt-297), Location 3 (AfGt-298), Location 4 (AfGt-299), Location 5 (AfGt-300), Location 6, Location 7, Location 8, Location 9 (AfGt-301), Location 10 (AfGt-302), Location 11 (AfGt-303), Location 12 (AfGt-304), Location 13, Location 14, Location 15, Location 16, Location 18, Location 19, Location 20 (AfGt-306), Location 21, Location 22, Location 23, Location 24, Location 26 (AfGt-310), Location 27, Location 28, Location 29, Location 34, and Location 37.
 - b. Several of these sites are identified on the Site Plans (i.e. Location 11, 19, 28, 34, and 27). Please clarify why these are identified on the plans if they do not require further assessment, or remove them from the plans.

Comment for information only. No response was required.

4. Other sites (Location 1 (AfGt-296), Location 17 (AfGt-305), Location 25 (AfGt-307), Location 30 (AfGt-308), Location 31 (AfGt-309), Location 32 (AfGt-312), Location 33 (AfGt-313), Location 35 (AfGt-314), Location 36 (AfGt-315), and Location 38 (AfGt-316)) are considered to have further cultural heritage value or interest and require Stage 3 assessment. These are identified on the Site Plans, as well as a 70m buffer area.
 - a. Archaeological sites that are identified as having further cultural heritage value or interest will require Stage 3 and/or Stage 4 archaeological assessment. Once all required Stage 3 and 4 assessment is complete, the MHSTCI has advised that there are the following possible statuses for archaeological sites at the time of ARA licensing approval:
 - i. Excavated. Completely excavated as per Stage 4 requirements
 - ii. Excluded. For a site which was within the original project area (i.e., the area which the applicant originally intended to license), the ARA licensed limits may be changed such that the site is fully excluded. This may be accomplished by complete exclusion of a 'protected area' of the archaeological site. The limits of the protected area

consist of either the archaeological site as defined at the completion of Stage 2 plus a 20 metre 'no-go' buffer and 50 metre monitoring buffer (effectively a 70 metre buffer) or the site as defined at the completion of Stage 3 plus a 10 metre no-go buffer (20 metres for Late Woodland villages).

- b. The protected area of the site (as per the above point) is mapped on the approved licence plans and a condition is attached to the licence stating the presence of the site, the necessity of avoiding the protected area of the site, and the restrictions on any alterations to the site as per Section 48 of the *Ontario Heritage Act*.

Comment for information only. No response was required.

5. Regional staff acknowledge that the areas of land to be licensed is very large and extraction will occur in phases (as approved by MNRF). Because some of the archaeological sites that require further assessment are within later phases that will not be disturbed for many years after licence approval, the Region is supportive of dealing with the protection of these resources through licence conditions, which will also allow the expense of the mitigation of impacts for archaeological sites to be spread over time.

Comment for information only. No response was required.

6. The Region will require the MHSTCI's review letter indicating the Stage 1 and 2 Archaeological Assessments are compliant with the Ministry's technical standards for archaeology (compliance letter), prior to the applications being presented at a Public Meeting in front of Regional Council. Revisions to the application (i.e. extraction limits, phasing, etc.) may be required should the Ministry identify adjustments to the licensing limits to address archaeological resource conservation as part of the ARA process.

MHSTCI's letter dated February 15, 2021 has been received.

7. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of the compliance letter from the MHSTCI confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

Comment for information only. No response was required.

Appendix 5: Financial Impact Assessment Comments

Regional and City staff and the peer review consultant (Watson & Associates Economists Ltd.) have reviewed the Financial Impact Assessment and Economic Benefits Port Colborne Quarry Inc. – Pit 3 Extension – Revised Report, prepared by IBI Group (dated October 20, 2021), and offer the following detailed comments on the resubmission:

Financial Impact Analysis

With the exception of one comment from Watson's initial peer review, all other comments were incorporated into the applicant's revised report. As part of the Terms of Reference, objectives of the financial impact study were provided. All objectives were appropriately responded to, with the exception of the following:

- To identify the potential cost of any long-term monitoring and mitigation on the site and the responsibility for that monitoring and the liability to any public authority or agency associated with that responsibility.

It was noted that the property would remain privately owned subsequent to rehabilitation. It was also noted that the ongoing monitoring and mitigation costs would be the responsibility of the landowner. The study should provide an estimate of this cost and discuss any potential liabilities to the municipalities (e.g. if the property owner does not keep up with the monitoring and mitigation responsibilities). This would, at a minimum, provide the municipalities with an order-of-magnitude cost, should they be required to assume responsibility.

Economic Impact (Benefits) Analysis

The following provides our comments with respect to the economic impact analysis.

Input-Output Multiplier Calculation

- In Section 3.2 of the revised report, it would be helpful to source the basis of the \$/tonne value calculation assumptions as the range of \$16.15 to \$29.10 million per year is quite broad.

Economy

While Section 3.3 of the revised report now speaks to the GDP impacts of the P.C.Q. operation and the site-specific economic benefits, as recommended in the initial peer review, it would be helpful to report this at the current operation level as well with the proposed expansion. We also have the following concerns with the analysis

- With respect to the GDP figures in Section 3.3 that are based on the analysis in Figure 8: Input-Output Multiplier calculation:
 - It is unclear why the first table refers to economic activity from capital expenditure for construction and the second from engineering. We would

assume the only difference is the low vs. high production estimates, with all other assumptions the same. Please review.

- The total GDP (direct, indirect and induced) for Ontario is almost the same as the direct production value from the Pit 3 operations. This appears to be low, with a direct GDP impact of \$9.1 million despite a direct production output of \$16.2 million for the low scenario.
- It is recommended that the analysis is updated to use the input-output multipliers from Statistics Canada Table 36-10-0113-01. In addition, the specific input-output multipliers used should be noted.

Jobs

Section 3.4 of the report provides an appropriate summary of the current employment level associated with the PCQ operation. (20 jobs) and additional employment potential from the Pit 3 Expansion (33 full-time jobs). However, we would observe the following:

- An analysis on direct, indirect, and induced jobs is presented in Figure 8. It is unclear why person-years of employment (which are associated with construction) is used, resulting in direct employment of 98 jobs identified in the low scenario and 176 jobs in the high scenario.
- As identified above, Section 3.4 identified a total of 53 direct permanent jobs (current operation and Pit 3 expansion). It is recommended that direct employment should be 53 jobs, with indirect and induced generated from it.
- It is recommended that indirect and induced jobs are calculated by applying Statistics Canada 2018 Ontario input-output multipliers (Statistics Canada Table 36-10-0113-01 using Type I and Type II job multipliers for indirect, induced and total jobs
- It is also recommended that the current employment levels, potential employment increase from the Pit 3 Expansion, and total employment potential is shown, in addition to providing specific sources on which input-output multipliers are used.

Labour Income

Section 3.5 illustrates labour income potential from direct, indirect, and induced income, with specific employment income provided for existing jobs from P.C.Q. payroll data. It is recommended that the direct labour income be based on P.C.Q. payroll data and direct jobs (current operation and Pit 3 expansion). The indirect and induced employment income can be calculated using the Statistics Canada input-output multipliers. It is recommended that the specific multipliers used are sourced.

It is also recommended that the current labour income, potential labour increase from the Pit 3 Expansion and total labour income potential is shown.

Summary of Peer Review of Second Submission

Overall the financial and economic impact study was revised to address most of the comments from Watson's initial peer review. For the financial impact analysis, only one outstanding comment remains. For the economic impact analysis, there are some comments with respect to the additional information provided.

Appendix 6: Hydrological/Surface Water Resources/SWM Report Comments

Regional and NPCA staff and the peer review consultant (Matrix Solutions Inc.) have reviewed the Response to JART Hydrology Peer Review Comment – Technical Memorandum, prepared by Golder Associates Inc. (dated January 28, 2022).

The Golder January 28, 2022, memorandum provided responses to the 23 comments that were included in the July 28, 2021, letter from JART. The following is the responses to Golder's responses.

1. Water budget – it is noted that the existing condition water budget calculations do not quantify lateral inflows into the quarry site. As the upper reaches of East Wignell Drain conveys flow from the woodland swamp, as well as flow generated further upstream, across the proposed quarry site, it would seem that lateral inflow could represent a significant component of the water budget. Why were lateral inflows not assessed?

Response to Golder Response #1

While we appreciate there are plans to realign the East Wignell Drain that will intercept lateral overland inflows prior to entering the proposed extraction area, we feel it is important to characterize and quantify the existing conditions water budget, which includes lateral inflows. Without a full understanding and quantification of existing conditions, a definitive assessment of potential impacts under the proposed extension is not possible. Please reconsider developing a comprehensive water budget (including lateral inflows, both overland and subsurface) for existing conditions as well as extraction and rehabilitation scenarios for comparison.

2. Please confirm the upstream extent of the East Wignell Drain. Figure 1 of the Hydrology report indicates the drain originates at the southeast corner of the woodland swamp; however, Figure 3 of the Natural Environment Level 1/2 Report (Golder, October 2020), indicates the drainage feature originates near the 2nd Concession Road and Carl Road intersection.

Response to Golder Response #2

Golder acknowledges that mapping showing the upstream extent of East Wignell Drain is inconsistent. Please ensure all mapping is consistent and displays the proper drainage area to the existing East Wignell Drain alignment.

3. There is limited information on the Wignell Drain's catchment upstream of the proposed quarry site. During the initial meeting with applicant's consultants, it was asked whether there are any culverts under 2nd Concession Road that would convey water from the north side of the road to the south side. The response was there were no culverts; however, when visiting the site, a culvert (approximately 750-1000 mm) was identified at the east side of Carl Road and 2nd Concession Intersection (see Figure 1). A culvert was also identified under Carl Road, which

provides drainage for 2nd Concession Road's northern ditch, directing flow towards the culvert under 2nd Concession Road. At the time of the site visit, water flow through the culverts was observed, and flowed south adjacent to the woodland swamp (Figure 2).

- a. These observations indicate that during wet times of the year, there is likely significant flow from north of 2nd Concession Road into the woodland swamp and eventually the proposed quarry site. Further analysis is required to understand the volume of this inflow, and how it would be managed during operations.

Response to Golder Response #3

Golder's response included additional detail regarding the drainage features and associated infrastructure/culverts in the upper reaches of the East Wignell Drain. This additional information and characterization are appreciated, and we would ask that the original study documents be updated to include this information.

4. Page 2 – The report authors state that the woodland swamp in the northwest of the study site “contributes drainage to the upstream end of the East Wignell Drain”. During quarry operations, where would the woodland swamp drain to?

Response to Golder Response #4

Golder indicates that after the East Wignell Drain realignment, flow directions within the woodland swamp will be reversed from north to south (toward the expansion lands) to south to north (away from the expansion lands). Presumably, there is currently an elevation difference that supports the existing north-to-south flow direction. We are not clear how this elevation difference will be addressed to direct drainage northward. Please expand on this.

5. Page 4 – The report speaks to water level fluctuations at SW-2 in the range of 0.1-0.15 m and identifies them as “inconsistencies in the water level logger”. These are significant fluctuations, well beyond most logger's typical level of accuracy. Can the authors provide any insight as to what could have resulted in such large fluctuations?

Response to Golder Response #5

Golder's commentary on logger fluctuations is helpful. Given that Golder agrees that the recorded fluctuations are beyond the regular levels of accuracy, and likely suggests logger damage or malfunction, we would ask that the original study report be updated to identify this.

6. Table 2, Page 5 – There is a larger difference in flows between SW-1 and SW-2 than would be typically explained by the difference in drainage area. For our own clarity, is this difference because 100% of the flow at SW-1 is quarry discharge?

Response to Golder Response #6

Thank you for the response.

7. Was there any baseline water quality sampling done of East Wignell Drain? This information could be important to understand how sensitive the feature may be to receiving quarry discharge.
8. What potential water quality impacts could the quarry extension cause to East Wignell Drain? How would they be mitigated?

Response to Golder Response #7 & 8

Thank you for clarifying when baseline water quality would be characterized as part of an Environmental Compliance Approval (ECA). It is recommended that all technical requirements/assessments required as part of the ECA be summarized in the original study documents, with approximate timeframes.

9. Table 3, Page 8 – The text references the MOE Stormwater Management Planning and Design Manual for the water budget parameters used in the analysis. There are a few points of clarification that would assist in understanding the analysis undertaken
 - a. How was the WHC of Open Pasture assigned? The Hydrology report has a WMC of 150 mm, which does not correspond to a clay soil type with pasture land cover. Was it a clay soil type with moderately rooted crops?
 - b. How was a WHC of 75 mm arrived at for Marsh/Wetland? There is no corresponding category in Table 3.1 of the MOE Stormwater Management Planning and Design Manual.
 - c. How was a WHC of 10 mm arrived at for quarry lands? Could this significantly underestimate the amount of evaporation from the quarry floor?
 - d. Please provide the individual components that comprise the aggregate infiltration factor. We are not able to recreate the reported values using clay as the soil type.

Response to Golder Response #9

- a. *We are confused why a “fine sandy loam soil type” was used to select the Water Holding Capacity (WHC) when the surficial materials are described as “glaciolacustrine massive-well laminated clay and silt deposits.” If there is a reference that describes these soils as “fine sandy loam,” then this should be referenced.*
- b. *If there is no reference for a WHC of 75 mm for marsh/wetland, then it should be clearly documented that this value was arrived at based on professional opinion.*
- c. *Thank you for the response.*
- d. *Thank you for clarifying that the soil type used to determine the infiltration factor was a “medium combo of clay and loam.” We would suggest that Table 3 on page 8 be clarified to indicate this is the case. Currently Table 3 indicates the soil type is a “Silty Clay”, which leads to confusion.*

10. Page 12 – The text states that there will be a 459,329 m³/yr of runoff within the proposed quarry extension, which is an increase of 114% beyond existing conditions. Does this include groundwater inflow to the quarry? As there is already a significant increase in discharge to the Drain, it would be helpful to understand if additional discharge will be expected.

Response to Golder Response #10

It is understood that, as presented, the Thornthwaite water balance does not include lateral inflows (overland inflows as part of Existing water balance, or subsurface inflows as part of the Extension water balance). Golder's response quantified the expected groundwater seepage into the extension quarry, which was very helpful in understanding the magnitude of seepage as it relates to the overall water budget. It would be helpful if a complete water balance (including all lateral inflows) was presented for existing, operational, and rehabilitated conditions (Tables 4, 5, 6, and 7).

11. Table D-1 presents the monthly water budget over the 1965-2018 time frame. Is the 1965-2018 time frame reflective of the climate conditions currently experienced in the study site? As the climate has warmed since the mid-60's (see Figure 3), using this time period may not be reflective of current evapotranspiration rates. Are the water budget calculations sensitive to using a more recent 20 year period?

Response to Golder Response #11

Thank you for the response with regard to changes in air temperature. Please confirm whether precipitation displays the same stability.

12. Additional information on the level of uncertainty regarding calculated Potential Evapotranspiration rates presented in Table D-1 would be useful to understand overall uncertainty associated with the water budget. PET rates of 2 mm/month seem low for January and February, particularly for a study area this far south. Do these values include sublimation? How sensitive are the water budget calculations to uncertainty in PET rates?

Response to Golder Response #12

The Golder response states that "the sensitivity....to sublimation rates is small," and that the "Golder Report conclusions are unchanged." However, no supporting calculations or figures are provided.

13. Infiltration (net of evapotranspiration) is estimated to be 177mm/yr. This seems to be a high value for an area dominated by "glaciolacustrine massive-well laminated clay and silt deposits". Are there independent estimates of infiltration (net of evapotranspiration) that can confirm these estimates?

Response to Golder Response #13

While we appreciate the added description of how the Ontario Ministry of the Environment (MOE) Infiltration Table was used to estimate infiltration (net of evapotranspiration), the Golder response does not fully address the comment.

Given that the surficial materials have been characterized as “glaciolacustrine massive-well laminated clay and silt deposits”, it seems possible that a net infiltration rate of 177 mm/year may be an overestimate. Are there independent estimates that can be used to confirm this value for similar soil/surficial material types?

The NPCA also notes that this figure seems high. As opposed to relying on infiltration rates published in the MOE Infiltration Factors Table (Golder Response #9), the NPCA would recommend additional field testing be done to confirm the actual infiltration rates of the local soils to provide a more robust and defensible estimation of the existing infiltration rate.

14. The report states that OFAT was used to delineate the watershed area for the west and east branch of the Wignell Drain (310 and 543 ha, respectively). Please indicate the source and resolution of the DEM that OFAT uses for watershed delineation so the reader can gauge the level of uncertainty that is associated with the total drainage areas (given the low topographic relief of the area).

Response to Golder Response #14

Thank you for the response. Please ensure these datasets are appropriately referenced in the study documents.

The NPCA notes that while a Provincial 2019 Digital Elevation Model was utilized, the NPCA can make available the NPCA’s current (based on 2020 air photography) local Digital Elevation Model which may provide greater accuracy and detail.

15. Page 14 – It is stated that discharge from the proposed Pit 3 extension will be split between the west and east branches of Wignell Drain in a 30%/70% ratio respectively. Given the entirety of the proposed Pit 3 extension is within the watershed of the east branch of Wignell Drain, why is 30% of the water being redirected to a different (sub) watershed?

Response to Golder Response #15

Thank you for your response. Adding this description of changing discharge points (even at the conceptual level) at differing extents of extraction would assist the reader in understanding the discharge plan.

16. Please clarify if the Pit 3 extension will outlet to the Welland Canal (refer to Figure 6 and Section 4.1). Based on the Regional Mapping, it appears the West Branch SW1 and East Branch SW2 converge and ultimately outlet to Lake Erie.

Response to Golder Response #16

Thank you for the response.

17. Page 15 - We agree with the report authors that Eastern Wignell Drain is not likely to see increases in peak flows during operations or under rehabilitation conditions. The quarry will capture precipitation which will not enter the drain until discharged via pumping. Rather, it is likely the East Wignell Drain sees a

reduction in peak flows. It would be helpful to quantify the potential reduction in peak flows, as significant reductions can cause alterations in a watercourse's geomorphology. These alterations may include channel aggradation by not having fine sediment flushed from the system due to decreased peak flows.

Response to Golder Response #17

Thank you for the response. We appreciate that a receiving stream assessment will be completed as part of the ECA that will include investigating potential changes to all aspects of the flow regime.

The NPCA is pleased to see that a receiving stream assessment will be undertaken to address flow regimes, water quality, geomorphic and ecological consideration through the Environmental Compliance Approval (ECA) required prior to initiating Pit 3 Extension operations.

18. Page 15 – The authors state that due to peak flows not increasing “the risk of erosion is not expected to increase”. The authors go on to state that flow increases are only likely during average or low flow conditions, which would minimize erosion potential. It is important to note that increases in average or low flow can result in channel erosion, particularly since downstream reaches of the East Wignell Drain are dominated by soft sediments and are poorly vegetated (see Figure 4 below). To be assured that channel erosion will not be a concern, additional studies (i.e. erosion thresholds) are required. In the preliminary meeting with the applicant's consultants, it was indicated that these studies would be done as part of the ECA application for discharge. Until these studies have been completed, it is recommended that the authors remove language that states channel erosion is not likely to occur as a result of the increased discharge.

- a. Due to the increased water volume under operational and rehabilitated conditions, East and West Branch of Wignell Drain will undergo the prolonged flow duration correspondingly. There is a need to assess if Wignell Drain downstream of the quarry site is sensitive to flow duration and determine the locations where erosion protection may be required.

Response to Golder Response #18

Thank you for the response. Please revise the text in the original documents to acknowledge this response (e.g., removing text that states channel erosion is not likely due to the increased discharge)

The NPCA is pleased to see that a receiving stream assessment will be undertaken to address flow regimes, water quality, geomorphic and ecological consideration through the Environmental Compliance Approval (ECA) required prior to initiating Pit 3 Extension operations.

19. Page 15 – The report authors state that the woodland swamp in the northwest of the site “is not expected to see a reduction in runoff area”. Given the proposed realignment of the Wignell Drain will divert flow from north of 2nd Concession

Road to the easterly boundary of the proposed quarry, a reduction in runoff area is likely to happen. How would this impact be mitigated? It is noted that the report authors acknowledge on page 2 that the woodland swamp “may collect surface drainage from north of 2nd Concession Road”.

- a. A conceptual alignment of the future East Branch of the Wignell Drain (formerly Mitchner Drain) should be included in the report.

Response to Golder Response #19

A number of our original comments were concerned with the woodland swamp at the northwest of the extension area. We are concerned that the proposed drain realignment that is required to facilitate the quarry extension will result in significant and irreparable impacts to the wooded swamp. This concern is based on the following:

- The Golder 2020 Hydrogeological Study found that the wooded swamp was not supported by the groundwater flow system. Water is being provided to the swamp predominantly by overland runoff from the upstream catchment, and to a lesser degree, by direct precipitation.*
- The drain realignment will intercept all overland runoff from north of 2nd Concession Road prior to entering the woodland swamp and will direct it east, bypassing the swamp. It is noted that Golder’s comment response acknowledges that “drainage to the woodland swamp is almost entirely coming from the northern catchment beyond the limits of the Pit 3 Extension boundary” (2nd Concession Road).*
- By the drain intercepting the majority of the woodland swamp’s inflow, there is a high likelihood that the swamp’s function and habitat will be permanently altered. Golder’s response acknowledges this: “it is possible that the drain realignment may affect the drainage and water levels in the swamp...”*

The applicant’s response to these concerns is that impacts associated with the drain realignment are separate from the quarry extension proposal and, therefore, are not considered as part of this analysis. We find this reasoning difficult to be aligned with, as the reason why the drain is being realigned is to facilitate the quarry extension.

20. Page 15 – Please outline the operational monitoring program that is planned to be implemented for surface water features. As presented, the continuous flow records at SW-2 appear to be problematic. Is there a revised plan to collect more reliable data?

Response to Golder Response #20

Thank you for the response and clarification that the monitoring program will be developed as part of the ECA.

21. Attachment A- Water Management Plan

- a. Page 2- Please provide justification for using a 24 hour storm for the peak flow estimates, as well as limiting the analysis to only the 2 and 5 year return period.
- b. The estimation of a sump storage is based on dewatering the 2-year storm water from the quarry site within a three-day period. The conclusion notes that water from a two-year and five-year storm would be pumped in 8 and 9 days, respectively. Please clarify.
- c. It is recommended that the Best Management Practice of petroleum products management be included in the operational notes.

Response to Golder Response #21

- a. Thank you for the response. One might argue that the lower duration storms (1 hour) would provide a higher peak flow and, therefore, be more conservative than a 24-hour storm; however, the storage that will be available within the quarry will serve as a mitigating factor (similarly as it will for higher frequency storms).*
- b. Thank you for the response.*
- c. Thank you for the response*

22. General Comments from NPCA

- a. The NPCA has no objection to the conclusion that average annual off-site runoff is expected to increase under the operational and rehabilitated quarry conditions.
- b. The NPCA agrees with the conclusion that the proposed Pit 3 extension is expected to have a local effect on the stream flows at the east and west branches of the Wignell Drain.
- c. The NPCA notes that with the increased volume of water being discharged into the east and west branches of the Wignell Drain, there is the potential for erosion to occur. The NPCA recommends that the existing condition of the east and west branches of the Wignell Drain 500 metres downstream of the proposed be confirmed. The NPCA also recommends that a robust stream erosion monitoring program be implemented over the active life of the quarry with an associated contingency plan to be put into effect should erosion impacts be identified.
- d. The NPCA will require confirmation that the quality of the quarry water discharge will not have a negative impact on the ecology of the receiving watercourses.
- e. The NPCA concurs with the peer review comments from Matrix Solutions and requests that the Applicant provide a written response of how the peer review comments have been addressed.

Response to Golder Response #22 (General NPCA

comments) a), b), c), and d) Thank you for your response

The NPCA is pleased to see that a receiving stream assessment will be undertaken to address flow regimes, water quality, geomorphic and ecological consideration through the Environmental Compliance Approval (ECA) required prior to initiating Pit 3 Extension operations.

23. Floodplain- The 100 year flood plain for the Wignell Drain has an elevation ranging from 182.25 m. above sea level (asl) at the northern limit of the subject lands to 180.81 m. asl at the southern limit. There are several areas of the flood plain where extraction is proposed. It is unclear how this development into the flood plain is consistent with Section 3.1.2 of the Provincial Policy Statement (PPS). The Planning Justification Report, prepared by IBI Group (dated February 17, 2021) does not address consistency with Section 3.2.1 of the PPS. This should be further examined by the Applicant.

Response to Golder Response #23

Thank you for the response and inclusion of text into the Planning Justification Report regarding development within the floodplain/floodway. We agree that the removal of material will increase floodplain storage; however, floodplain storage should not be confused with the floodplain's ability to convey flow downstream. Stockpiles of overburden, or the construction of perimeter berms, could encroach on the floodway, reducing conveyance and subsequently increase upstream flood levels. How will the applicant ensure any placement of overburden/material/berms in the floodplain will not affect total floodplain conveyance and upstream flood levels?

Previous NPCA comments had indicated no technical concerns with development of the quarry within the flood plain, however, upon further consideration the NPCA is concerned with the potential impacts to the flood plain resulting from large earth berms being installed around the perimeter of the quarry. These berms have the potential to limit the spill of flood water into the quarry and can serve to reduce flood storage by their location. As such, the NPCA will require that confirmation be provided that the final site and grading plans will not negatively impact the Regulatory 100-year floodplain.

In addition, NPCA staff have reviewed the policy analysis of consistency with Section 3.2.1 of the Provincial Policy Statement (PPS) contained in the Golder Response #23 and respectfully disagree with the policy rationale. Our concern is that the applications are proposing a change in land use, which is one of the stipulations in the PPS definition of development. NPCA staff are looking further into this interpretation and will provide additional comments specific to this matter in the near future.

MTO comments

The MTO offered the following comments relative to surface water and stormwater management:

1. MTO requires post to pre development flow condition to be met for 5, 10, 25, 50 and 100 year storm events at all outlets from the proposed Pit 3. Provide this information in a table for review.
2. Please provide peak pumping rate in existing condition from the quarry and with proposed extension. Also provide duration of peak flow pumping.
3. MTO requires Site Servicing, Grading, and Erosion & Sediment Control Plans for review.
4. MTO requires a Stormwater Management Report signed and sealed by a Professional Engineer of Ontario

MTO did not respond to the circulation of the resubmission package. At this time we cannot confirm the status of MTO comments that were provided related to stormwater management. We will continue to follow-up with MTO on the status of the comments.

Appendix 7: Hydrogeology (Groundwater) Comments

The peer review consultant (Terra-Dynamics Consulting Inc.) reviewed the resubmission of the hydrogeological assessment as follows:

- Response to JART Hydrology Peer Review Comment – Technical Memorandum, prepared by Golder Associates Inc. (dated January 28, 2022);
- Revised Hydrogeological Assessment, Level 1 / 2 Water Resources Study, prepared by Golder Associates Inc. (dated October 2021);

Following the review of the above noted material, a preliminary response was prepared and sent to the applicant:

- Updated Peer Review Hydrogeological / Groundwater Study, prepared by Terra-Dynamics Consulting Inc. (dated March 30, 2022)

Upon review of the March 30th letter from Terra-Dynamics, an additional response letter was prepared by Golder and submitted from the applicant:

- Additional Response to Updated Peer Review Hydrogeological / Groundwater, prepared by Golder Associates Inc. (dated May 16, 2022).

In consideration of both the original resubmission package and the additional responses included in the May 16, 2022 letter the following is provided based on the original JART comment letter.

1. Field Investigations

- a. The field investigations followed standard acceptable industry practice. *No response required.*

2. Water Quality

- a. It is recommended that future groundwater quality sampling should include the parameter: hydrogen sulphide, as it has exceeded the Ontario Drinking Water Aesthetic Objective (MECP, 2006) in the Quarry Sump (WSP, 2016, 2019, 2020 and 2021).

Comment addressed.

- b. The Ontario Drinking Water Aesthetic Objective (MECP, 2006) for sulphate was not included in Table 4, Groundwater Quality Results. Four samples from the deep bedrock exceeded the 500 mg/L Aesthetic Objective. The table and text should be updated.

Comment addressed.

- c. Further clarification to the report text is recommended that the maximum acceptable criterion for uranium was exceeded at MW17-4S. The uranium

exceedance was reported with manganese in such a way it could be missed that this is a health-related criterion despite the clarity available in Table 4.

Comment addressed.

- d. It is also requested that clarification be provided which of the four quarry sumps the sample from the “*main quarry sump*” refers to.

Comment addressed.

3. Water Well Survey

- a. A total of four water well survey respondents to the 2018 water well survey (WSP, 2020) indicated their groundwater supply issues were related to quarry operations. It is unclear if these complaints have been investigated and resolved. This is relevant because Golder Associated Ltd. did not survey properties included in the WSP 2018 survey. It is also recommended the 2018 water well survey completed by WSP be included in the Golder Associated Ltd (2020) report.

Golder/WSP (2022, 2021) responded “No formal complaints were received from these respondents, this information was indicated on the well survey only”.

These residents should be provided clarification of the further actions they need to take in order for their concerns to be addressed.

- b. From the water well survey, and the evaluation of Ministry of the Environment, Conservation and Parks (MECP) water well records, it should be summarized how common are nearby shallow water supplies that are vulnerable to drought, as they may be interpreted as being dewatered by quarry operation.

Golder/WSP (2022, 2021) responded “...nearby water well records indicate the majority of wells are installed within the bedrock aquifer and therefore not inferred to be vulnerable to drought”.

An analysis shall be provided of the remainder of the wells not addressed in the Golder/WSP response.

- c. A total of five properties were identified as the closest water wells to the proposed expansion of Pit 3 (Section 6.3). It is recommended if these properties responded to the water well survey, and/or there are MECP water well records available, that the information for these five properties be summarized to further consider the likelihood of negative impact. If it is highly likely these private water supplies will go dry, remedial solutions for these private well users should be designed ahead of time.

Comment addressed.

- d. In April 2020, Niagara Region (2020) provided a list of recommended items for the proposed hydrogeological work program. This included a recommendation that the water well survey include baseline groundwater quality. This is still recommended to be completed of nearby wells likely to be impacted by quarry dewatering.

Golder/WSP (2021) stated that “This will be included in the monitoring program completed by WSP in 2022 as this relates to existing quarry operations”, however Golder/WSP (2022) then later stated “This will be included in the monitoring program completed by WSP in 2022/2023 as this relates to existing quarry operations”.

A firm date of this work program should be provided.

4. Groundwater Levels

- a. Bedrock groundwater levels are reported as 4-6 m higher at Monitoring Well 2-94 (WSP, 2020) compared to nearby Monitoring Wells MW17-8S/D (Golder Associates Ltd., 2020). In a similar manner, the groundwater contours presented by WSP (2021, 2020, 2019 and 2018) are higher (e.g. approximately 5 m in some overlapping portions), than those presented by Golder Associates Ltd. (2020). It is recommended that the bedrock groundwater level contours be updated to integrate the bedrock groundwater monitoring wells that are part of the current PTTW. It is also recommended that the proposed three new wells along the eastern property boundary be constructed and integrated into this updated mapping to provide a current zone of influence of the quarry using all available information.

Golder/WSP (2021,2022) commented that existing Permit To Take Water (PTTW) monitoring wells are “... open boreholes within the Bertie Formation (e.g. 2-94) and therefore cannot be correlated directly to the monitoring wells installed on the extension lands as these monitoring wells are screened specific intervals (e.g. MW17-8S – a water table monitoring well)”.

An explanation is required with respect to the hydrogeological conceptual model for the Site as to why bedrock groundwater levels at Monitoring Well 2-94 are much higher than those at MW17-8S because the exact opposite would be anticipated for a 7.5 m-deep water table monitoring well (MW-17-8S) compared to a 15.2 m-deep open borehole (MW 2-94).

The interpreted groundwater contours presented by WSP (2021, 2020, 2019 and 2018) are generally much higher than those presented by Golder Associates Ltd. (2020 and 2021). The reason for this difference should be provided and bedrock groundwater flow contours integrated for the existing and proposed expansion lands.

5. Upper Wignell Drain Wetland Complex

- a. In April 2020, Niagara Region (2020) provided a list of recommended items for the proposed hydrogeological work program. This included a recommendation that monitoring of the hydroperiod of the wetland be completed, it is still recommended this be completed in order that the wetland be characterized. Also, it is noted that the current Permit to Take Water (No. 7645-AAYS3Y) requires in Condition 4.4 that the annual PTTW report should include a “discussion of the possible connection to the Wignell Wetlands

located to the north east of the quarry". Reporting on this Condition does not appear to be in the WSP (2021) report.

To be addressed through the surface water review.

6. Other Items

- a. Figure 10 does not have units on the horizontal scale.

Comment addressed.

- b. The report should be stamped by the Professional Geoscientist authors.

Comment addressed.

- c. It is recommended the personal information from the water well surveys be redacted.

Comment addressed.

7. Identification of Features

- a. Features were generally adequately identified. However, it is recommended that:

- i. Figure 3 should be updated to reflect recent Ontario Geological Survey mapping at the Site (Armstrong, 2017) which will then correlate with geologic units identified during the drilling program.

Comment addressed.

- ii. A reference be provided in the report stating the unit numbers corresponding with the specific members of the Bertie Formation as are discussed in Section 4.3.

Comment addressed.

- iii. In Section 4.2, it is recommended the Williamsville Member be consistently referred to as Unit 4. It is also recommended that Figure 8 show the locations where the Williamsville Member was not encountered, i.e. MW17-1D, -2D and -3D, to match the text of Section 4.2.

Comment addressed.

- iv. As mentioned earlier, the wetland be characterized based upon field investigation.

To be addressed through the surface water review.

8. Monitoring, Trigger Mechanisms and Contingency Plans

- a. The proposed groundwater monitoring and response program is generally acceptable. However, it is recommended a temporary water supply be provided to residents while well interference complaints are investigated. In this regard, it is also recommended that the closest five private groundwater supplies be approached to participate in continuous-type groundwater level monitoring in order that the monitoring program be responsive rather than reactive.

Comment addressed.

9. Conclusions Presented in the Golder Associates Ltd. (2020) Report

- a. While the conclusions reached generally logically flowed from the field work, two items are recommended for future consideration by Golder Associates Ltd.:

- i. The estimated additional seepage from the north, south and west walls of the proposed extensions was reported as 72 L/min, or 104 m³/day. It is recommended this theoretical calculation be updated after a review of the 2019 sump pumping at the Site (WSP, 2020) indicated average daily sump discharge rates of the following:
- (i) Sump #1 at 590 m³/day;
 - (ii) Sump #2 at 1,620 m³/day; and
 - (iii) Sump #4 at 2,014 m³/day.

It is noted that WSP (2020) estimated 54% of 2019 pumping was groundwater. Also, it is recommended a reference be provided for the use of the 500 metre radius of influence used in the seepage calculation. The 2019 sump pumping was evaluated rather than 2020, because the 2020 PTTW Adobe pdf report was secured.

Golder/WSP responded (2022, 2021) "... the WSP estimate was not based on detailed calculations and rather an approximation without a supporting calculation".

Golder's seepage estimates are over an order of magnitude lower than that reported by WSP (2020) for 2019 for existing conditions at Sump #4 of 2,015 m³/day (Pit#3 the closest pit), where WSP (2020) calculated 54% was groundwater or 1,088

m³/day. The 104 m³/day is a modeled value whereas the 1,088 m³/day is a calculated percentile of measured data indicating that the groundwater component from the measured pumping data could actually be higher. An explanation on this significant difference (e.g. 90%) should be provided to validate the theoretical calculations of water table drawdown and future groundwater contributions from the proposed quarry expansion.

- ii. Comment if it is likely that the cone of drawdown, or zone of influence, may extend further in the Falkirk Member than the overlying Bertie Formation members. If so, they are requested to complete additional predicted drawdown analyses to assess the relative difference in magnitude between the shallow and deeper bedrock units.

Addressed, it is noted that Golder/WSP indicated that "the deeper and shallower bedrock units ... act as one hydraulic unit. There is no aquitard between these units that would make them act hydraulically separate from each other."

10. Recommendations Presented in the Golder Associates Ltd. (2020) Report

- a. The proposed recommendations are acceptable; however, it is recommended that Table 8, Proposed Extension Monitoring Locations include:
- i. Hydrogen sulphide water quality analyses;
 - ii. The three new proposed monitoring wells along the eastern boundary; and

- iii. The five nearest private groundwater supplies.

Comment addressed.

Appendix 8: Land Use Compatibility Comments

1. Land Use Compatibility Study

City and Region Planning staff have reviewed the Revised Land Use Compatibility / Sensitive Land Use Study, prepared by IBI Group (dated December 15, 2021) and offer the following based on our previous comments.

- a. S. 5, pg. 7 – states there are no conflicts in the report recommendations with respect to proposed berm heights; however, not all reports match the proposed berms on the site plans. Which are correct? See comments from other reports for inconsistencies.

Comment addressed

- b. Please reflect on areas where PCQ has gone above and beyond the minimum thresholds and recommendations from the supporting studies to minimize the land use compatibility concerns.

Comment addressed.

- c. The study will need to be updated to reflect the comments from the technical reports below, and coordinate any revised recommendations and mitigation measures.

Comment still applies.

Comments on the review of the noise impact, air quality, and blasting studies are provided in the following sections.

2. Noise Impact Assessment

The JART Peer Review Consultant (DST/Englobe) has reviewed the following:

- Addendum to the Noise Impact Assessment Report – Port Colborne Quarries Inc. Pit 3 Extension - TECHNICAL MEMORANDUM” prepared by Golder Associates Limited, dated January 21, 2022;

**Note: Both the Revised Planning Justification Report and the January 31, 2022 Technical Memorandum reference a December 2021 updated noise study. That document was not part of the resubmission and has not been reviewed. An e-mail from IBI on May 30, 2022 confirmed that the only noise related submission was the technical memorandum dated January 2022.*

The following is provided based on the previous set of comments.

- a. Based on DST’s review of the NIA it was found that the field work and the identification of receptors was sufficiently in-depth and followed accepted practices. As part of DST’s site visit, conducted on May 6, 2021, it was

confirmed that the background sounds and sound level that would support the classification assigned to each of the PORs in the study area are in agreement with those chosen in the NIA. We do not believe any additional field work is required.

No further action is recommended – item closed.

- b. Page 3 indicates the implementation of the barriers and their final design will be determined through monitoring. The NIA needs to predict and indicate when berms are needed and the minimum height requirements based on predictable worst case impact as required by MECP NPC-300.

Comment not addressed – remains outstanding.

- c. Page 4 indicates the assessment is completed for the operation of the quarry after the 1st lift. The NIA needs to indicate why it is not considering at grade processing.

Comment not addressed – remains outstanding.

- d. Page 4 indicates that the processing equipment may be moved to an alternative location in the future. Based on the video summary (<https://portcolbornequarries.ca/quarry-expansion-document>) of the proposed extension it is understood that this location is planned to be in Pit 3. In this case, the NIA should include an assessment of this scenario, and depending on the results include mitigation measures to achieve compliance.

Section 2 of Golder's Technical Memorandum, dated January 21, 2022, addresses this concern. Englobe acknowledges that the specific equipment and layout / orientation of the relocated processing plant are unknown at this time, and that Golder has assessed a representative scenario to demonstrate that compliance can be achieved. In our professional opinion, this assessment was sufficiently in-depth as a proof-of-concept, suitable for this stage of the project. Should the processing plant be relocated in the future, which we understand is likely to occur, Englobe recommends that the Golder NIA report be revised to consider the final equipment and associated layouts, in order to provide noise mitigation recommendations (if needed).

- e. Page 4 indicates that the noise sources associated with the processing plant are not significant when compared to the sources operating in Pit 3 extension. From DST's review, source emissions are substantial and further detail is needed to support the claim of insignificance.

Comment not addressed – remains outstanding.

- f. Page 4 indicates that "areas within Pit 3 extension requiring specific equipment noise controls and/or quieter type of equipment are shown in Figure 3. Table 2 presents the barrier height of alternative control (i.e. limiting the sound pressure level of the drill rig) required to achieve compliance". Please indicate the required sound emission levels for

quieter equipment that may be utilized along with supporting calculations to demonstrate compliance with the use of “quieter type of equipment”.

Comment not addressed – remains outstanding.

- g. Page 10 Section 5.2, third bullet. What is the initial iteration for the setback distance and indicate how it is a conservative choice? What is the baseline assumption regarding blasting mandated setback distance?

Comment not addressed – remains outstanding.

- h. Page 12. Provide clarification on how the quarry will move into this new Pit 3 extension.

Comment not addressed – remains outstanding.

- i. Page 12 and Appendix F. Results in Table 3 indicate compliance at all PORs, but the Receptor Noise Impact Level(s) table in Appendix F indicate non-compliance at a number of PORs. Please provide clarification on this contradiction.

Comment not addressed – remains outstanding.

- j. Page 15 Section 7.0. Noise management plan is vague, and more detail is required in addressing the predictable worst-case impact. For example, required initial berm heights and timing of installation should be determined through modelling the worst-case impact.

Comment not addressed – remains outstanding.

- k. No reference as to how traffic noise will be affected by the change at the quarry.

See response directly below.

- l. Video presentation states clearly that after phase 1 the processing plant will be moved to Pit 3 and a new quarry entrance will be added. The entrance will be located directly on Highway 3. NIA does not include an assessment of the change in the level of traffic noise along Highway 3 as a result of the proposed entrance. Truck entrance and egress in particular needs to be addressed. The NIA requires a statement from Golder regarding the assessment of noise from the new truck entrance.

Section 3 of Golder’s Technical Memorandum, dated January 21, 2022, addresses this concern. Golder’s memo concludes that the change in noise level at PORs along Highway 3 is expected to be insignificant. In our professional opinion, this assessment was suitable for this stage of the project. No further action is recommended – item closed.

- m. NIA does not address site preparation or stripping of overburden in the new extension. This phase of the project should be assessed along with an indication of the time frame for its completion.

Comment not addressed – remains outstanding.

- n. In addition to addressing the comments, it is also recommended that the addition of noise contour plots and point of reception noise impact tables

be added to the report. Both the plots and the tables should indicate the worst case noise impact with, and without, abatement measures in place. The addition of the plots and tables, along with addressing the comments in Section 3.0, will provide the additional detail and transparency required for this project.

Comment not addressed – remains

outstanding. **3. Air Quality Impact Assessment**

The JART Peer Review Consultant (DST/Englobe) has reviewed the following:

- “Air Quality Impact Assessment, Port Colborne Quarries Inc., Pit 3 Extension”, report prepared by Golder Associates Ltd., dated December 2020.
- “Addendum to Air Quality Impact Assessment Report – Port Colborne Quarries Inc. Pit 3 Extension”, technical memorandum prepared by Golder Associates Ltd., dated January 14, 2022.

The following is provided based on the previous set of comments.

- a. The following clarifications and additions to the report should be made to address pending responses to questions from the Pre-consultation meeting with the report authors:
 - i. Figures to illustrate the receptor grids used for all of the dispersion modelling scenarios should be included in the report.

Comment addressed.

- ii. Clarify whether the Extraction ‘Line Volume’ sources used in model scenarios 2 and 4 (smaller in total size compared to the other model scenarios), have the same total emission rate as the other model scenarios, or a lower total emission rate divided among the fewer ‘Line-Volume’ sources used for model scenarios 2 and 4.

Comment addressed.

- iii. Revise Table A1 and/or Table A2 in Appendix A, to include the same ‘Source identifier’ (ID) numbers for the individual sources, to clarify how the individual sources are listed by ID number in Table A1 relate to the grouping of sources listed in Table A2.

Comment addressed.

- iv. Clarify or correct whether the sources listed in Table A2 as ‘PR2’ through ‘SHIPROAD’ should be listed as ‘Volume’ or corrected to be ‘Line Volume’ sources.

Comment addressed.

- b. The following comment items regarding emission rate estimate calculations should be clarified or revised in the report, and if necessary revised dispersion modelling completed:

- i. In section 3.2 one example emission rate calculation is shown for the Crush Plant, representing the emissions from haul trucks unloading at the 'grizzly feeder'. DST understands this is one of components of the crush plant described in section 1.1 of the report. The emission factor that is referenced from the EPA AP42 Table 11.19.2-1 (0.000008 kg/Mg for SPM) is actually not listed in the AP42 table. Also, the reference to the AP42 section 11.19 notes it is dated 2006; however, the most current published date of this section as listed on the EPA's web site is dated 2004. The example emission rate calculation in this section shows an SPM emission rate of 1.00×10^{-3} g/s, whereas the total emission rate for the crush plant is shown in Table A1 to be 5.84×10^{-1} g/s. It seems apparent from this difference that other emission rate calculations and applicable emission factors contribute to the total emission rate for the crush plant (such as emissions from crushing steps, screening and material transfer). However, these other emission factors are not referenced in the report. Section 3.2 of the report should be revised to include a complete list of all the emission generating activities of the crush plant source, and the respective emission factors referenced for the emission rate calculations. Also, if emission factors for 'controlled' sources are referenced, there should be information provided to confirm that the emissions controls that will be used are consistent with the emission factor references.

Comment addressed.

- ii. In Section 3.3 it states that there are no emissions (such as SPM, PM-10 or PM-2.5) from the wash plant since the material processed is completely saturated. However, in Table A1 emission estimates are provided for this source and in Table A2 source details are listed for it. This section of the report should be revised to show the basis for the emission estimates if the wash plant source is used in the dispersion model scenarios.

Comment addressed.

- iii. In section 3.4 the emission rate calculation for emissions from stockpiles (due to wind erosion) refers to an emission control efficiency of 75%, obtained from Table 9-4 from the WRAP 2006 reference. It should be clarified in the report that this emission reduction applies to an emission control consisting of three-sided enclosures around stockpiles, to shield each stockpile from wind. This emission control should also be specifically mentioned in the BMPP report as a best management practice (BMP) that can be implemented for stockpiles, along with alternate BMPs mentioned in the BMPP report.

Comment addressed.

- iv. In section 3.6, the emission rate calculation for dust emissions from unpaved roads involves an equation that uses in part an input variable for the silt content of the road surface material. The value of this variable referenced from the US EPA AP42 Table 13.2.2-1, is a 4.8 % silt content for plant roads in a sand and gravel processing facility. However more appropriate values for this variable, referenced from the same AP42 table, would be for unpaved roads at a stone quarrying and processing facility, including 10% silt content for plant roads and 8.3% silt content for haul roads to/from a pit.

As the roads on the site are unpaved roads at a stone quarry, it needs to be considered in the report.

- v. In section 3.6, the emission rate calculation for dust emissions from unpaved roads, refers to a referenced emission control efficiency of 75%. This reference was obtained from Table 4 of the reference Australian National Pollutant Inventory, Emission Estimation Technique Manual For Mining, Version 3.1, January 2012. This emission control reference applies to application of water to an unpaved road at a specific application rate. However, section 3.6 indicates the emission control would be achieved due to implementation of a fugitive dust BMPP, including road watering and a speed limit. For clarification, the AQIA report could also refer to the combined use of the two emission controls, watering (55% control) and limiting vehicle speeds (44% control) that are listed in the reference WRAP 2006 Table 6-6. When combined these two control references are approximately equivalent to a 75% control efficiency. These emission controls are specifically mentioned in the BMPP report as BMPs to be implemented for unpaved roads.

Comment addressed.

- vi. In section 3.9, the emission rate calculation for conveyor drop operations involves an equation that uses in part an input variable for the moisture content of the material. The value of this variable referenced from the US EPA AP42 Table 13.2.4-1, is 2.1% moisture referenced for 'Various limestone products', applicable to the industry 'Stone quarrying and processing'. A more appropriate value for this variable would be the 0.7% moisture value for 'Crushed limestone', listed in this reference table for this same industry.

As the nature of this work is more like "crushed limestone" type, it is suggested to consider the revised moisture reference percentage.

- vii. In section 3.10, the emission rate calculation for dust emissions from blast holes drilling, refers to a referenced emission control efficiency of 99% with the use of a vacuum filter bag system. This reference was obtained from Table 4 of the reference Australian National Pollutant Inventory, Emission Estimation Technique Manual For Mining, Version 3.1, January 2012. This emission control is specifically mentioned in the BMPP report as a BMP to be used during blast hole drilling.

Comment addressed.

- viii. In section 3.12, the emission rate calculations for combustion emissions from blasting operations are based on use of ammonium nitrate and fuel oil (ANFO) emulsion blend explosives. This section should include an explanation of how the maximum quantity of explosives to be used (6160 kg) was determined for the calculation of the emission rates. Also, if other explosives are to be used in blasting operations, other applicable contaminants (such as ammonia and hydrogen cyanide) should be added to the emissions calculations and air quality assessment.

Comment addressed.

- ix. For clarity of the emission rate calculations, a table should be included in the report (such as in Appendix A) to illustrate all of the inputs and outputs of the emission rate calculations. For example it is suggested that the table should list data in columns for each calculation listed in rows, including columns for the source ID number, source descriptive name, emission factor numeric value and units, reference for the emission factor, process/activity rate or quantity used in the calculation, calculated emission rate for the individual activity, and a total emission rate where several individual activity emission rates are combined to form the total emission rate of the source as shown in Table A1.

Comment addressed.

c. Dispersion Model Receptor Grids

- i. In section 4.5.2.2 the description of how grid-based receptors were selected for dispersion modelling seems to suggest square grid areas (200m x 200m, 300 m x 300 m etc.); however, the example receptors grid layout shown in Figure 5 is clearly not square. This section should be revised to clarify the starting boundary for the grid-based receptors, and how the receptor grids increase in spacing with distance from the starting boundary (such as 20 m grid spacing for receptors up to a distance of 200 m from the starting boundary).

Comment addressed.

d. Dispersion Model Scenario for Sources Relocated to Pit 3

- i. Section 3.1 mentions that in future PCQ may relocate the crushing and washing aggregate processing operations from the current location in Pit 1 area to Pit 3. It is not specifically stated whether the other aggregate processing operations (stockpiling and shipping access/egress routes) would also be relocated to Pit 3. It is stated that the dispersion model scenarios used are all based on the processing operations remaining at the current location. The rationale is that the on-site haul road emission sources have the highest emission rates with the longest length of road, which is the case for the current location of the processing operations. Thus, the rationale states that the model scenarios used are considered more conservative modelling approaches for assessment of the air quality impacts.

Comment addressed.

- ii. DST is of the opinion that a dispersion modelling scenario involving the processing operations located in Pit 3 may generate higher predicted air quality impacts at receptors in the vicinity of Pit 3. This is due to the grouping of emission sources in a smaller overall area, with less distance for dispersion of emissions from all sources combined, even though the haul road sources will have lower emission rates.

Comment addressed.

- iii. Subject to input from the regulatory authorities, an evaluation of air quality impacts associated with a possible future change in the location of the aggregate processing operations may need to be addressed in a separate application for approvals. If the change to the location of the processing operations is part of the current application, a suitably conservative dispersion model scenario should be developed to evaluate air quality impacts for the case of a facility layout where applicable emission sources are relocated to Pit 3.

Comment addressed.

e. Air Quality and Blast Monitoring Programs

- i. It should be noted that section 6.3 includes a recommendation that an air quality monitoring program should be developed. Section 7 includes a statement that "Off-site impacts from combustion gases, while not directly assessed under the facility's blast monitoring program, will be influenced by the amount of explosive used and termination point for blasting operations." Since no details of proposed air quality monitoring or blast emissions monitoring programs were provided, they were not evaluated in this peer review. DST recommends that air quality monitoring and blast

emissions monitoring programs should be developed, peer reviewed and implemented, as part of conditions imposed by planning or other applicable regulatory approvals for the proposed quarry expansion.

It is recommended to develop air quality monitoring and blast emission monitoring programs.

f. Best Management Practices Plan

- i. As noted above for section 3.4 of the AQIA report, a BMP is referenced to achieve a 75 % emission control for fugitive dust emissions from stockpiles. In the WRAP 2006 reference where this emission control value is listed, it refers specifically to the use of three-sided enclosures around stockpiles, to shield the stockpiles from wind. This emission control should be specifically mentioned in the BMPP report as a BMP to be implemented for stockpiles. In the Golder BMPP report, Table 3, alternate approaches to shielding stockpiles from wind are proposed, including the use of natural windbreaks, and stockpiles located below grade. The report should note that where these alternate approaches cannot be implemented, other BMPs could be implemented as noted in the WRAP 2006 reference, such as use of three-sided enclosures or watering of stockpiles in advance of high wind conditions.

Comment is outstanding and needs to be addressed.

- ii. In section 4.3 it is noted that inspections on the conformity with the BMPs will be documented weekly by the Operations Supervisor using the Dust Control Inspection Form. However, changes in site conditions affecting dust generation and transport off-site can change quickly, even during a single day. In particular, changes in dust generation due to weather conditions, such as winds, sun and hot dry weather, can quickly evaporate water applied as a BMP on paved and unpaved roads. Also, during freezing conditions when watering cannot be implemented safely on roads, dusty conditions may occur more quickly and be difficult to control. A program of more frequent regular inspections (such as daily or regular intervals during the day) should be included for the most critical BMPs, such as watering and activities with greater risk of dust generation during high winds (material drop heights, drilling and blasting). A simplified daily inspections program and form could be developed, involving additional employees to complete regular 'high priority' item inspections as part of their daily work routine. Also, a system involving more employees trained and participating in monitoring and reporting problems with BMPs implementation/effectiveness during the work-day could improve response times to problems that develop and improve effectiveness of BMPs. If the additional

monitoring/reporting activity is recorded (logs, forms) it would provide further documentation of the BMPs implementation.

It is recommended to develop more frequent regular inspections for the most critical BMP's.

4. Blasting Impact Assessment

The JART Peer Review Consultant (DST/Englobe) has reviewed the following:

- Latest version of Site Plan Drawings,
- Technical Memorandum addressing potential fly rock hazards and remedial measures to mitigate them (Golder, January 7, 2022, attached)
- Response to Comment Letter from JART (Golder, October 4, 2021)

Is is DST's professional opinion, and in the context of the requirements of blasting impact assessment the proponent has satisfied the requirements of the Aggregate Resources Act as it applies to the effects of blast induced vibration and overpressure (noise) on sensitive receptors, provided the proponent implements all the recommendations outlined in Golder's reports.

** Please note that the Revised Planning Justification Report (IBI, January 24, 2022) states that an updated Blasting Impact Assessment was submitted as part of the resubmission (as Appendix F). The material submitted and reviewed was a technical memorandum and response letter as opposed to an updated report (which were Appendix m and l respectively).*

Appendix 9: Natural Environment and Tree Preservation Plan Comments

Regional and NPCA staff and the peer review consultant (Dougan & Associated Ecological Consulting & Design) have reviewed:

- Technical Memorandum: Response to JART Comments on the Natural Environment Level 1 & 2 Report for The Port Colborne Quarry Extension (Golder, November 24, 2021)
- Technical Memorandum: Supplementary Bat Survey in Support of the Natural Environment Report Level 1/2 For the Port Colborne Quarry Extension (Golder, January 24, 2022)

and offer the following, based on our original comments:

1. Section 4.4 Field Surveys

- a. According to Table 1, the first breeding bird survey (BBS) conducted in 2018 (June 21st) was conducted late in the breeding season potentially negatively affecting survey results. Song output typically starts to decline by the middle of June. However, this concern was lessened by the fact that the 2017 BBS surveys were well timed, as were the 2019 BBS.

Response accepted.

- b. Of lesser significance, the second BBS visit in 2018 (June 26th) did not occur at least a week after the first visit, as is the requirement when assessing territoriality. The same was also true for the 2nd BBS visit in 2019. However, if all species documented are considered confirmed breeders, these aberrations are not of concern.

Response accepted.

- c. According to the Marsh Monitoring Program, Anuran Call Counts (ACCs) normally take place during the first two weeks of April, May and June. However, according to Table 1, the only ACC conducted in 2017 took place on April 24th, falling in between the standard survey windows. The same was also true for the first ACC survey in 2020 which took place on April 28th, and the second ACC survey visit on May 19th 2020. Deviations in timing may be acceptable due to long stretches of substandard weather conditions that preceded the survey visits, but they should be documented for transparency. Please address.

Response conditionally accepted.

However, it is requested that all future surveys (including monitoring) conform to the accepted guidelines.

2. Section 4.4.2.1 Habitat Assessment (Bat Surveys)

- a. According to the report, an assessment of potential suitable bat maternity roost habitat was conducted. Although some of the results are included in Table 6 in Section 5.5.1.1, a complete assessment does not appear to be included in the report. Please provide for review.

Response conditionally accepted.

The added information provided for those features originally listed in Table 6 is appreciated. However, since it appears that no additional features were surveyed than what were already mentioned, it is recommended that the text in Section 4.4.2.1 be revised to reflect the fact that no hedgerows or thicket features were surveyed. The wording in the section made it appear that they were.

3. Section 4.4.2.3 Acoustic Surveys (Bat Surveys)

- a. Only one acoustic detector was deployed adjacent to a natural vegetation community over the course of the study, i.e. at the south end of the deciduous swamp (SWD3-2) in 2017. It was operational for only six nights, not ten, normally recommended by MNR/MECP. Why were no detectors deployed adjacent to the following locations at the north end of the study area: FOD7, FOD (immediately east of the extraction area), and especially FOD7-2, which is to be removed? Some of the trees in these vegetation communities may have been present in 1934 (based on historical imagery) and given their maturity, would likely provide opportunities for bat roosting.

Additional clarification requested.

Despite indicating otherwise, bat acoustic surveys did take place at the south end of SWD3-2 for 6 days, but not the 10 days normally required (see Section 4.4.2.3). Also, if the reason why no bat acoustic surveys were completed in FOD7 and FOD7-2 was because the extraction area will be set back from these communities and no adverse impacts expected, then why was the location in SWD3-2 community surveyed? Also, please provide additional information explaining how the FOD7-2 plant community is considered an immature green ash dominated deciduous forest with no cavity trees, when the entire community in 1934 appears to be a mature forest.

- b. Six passive full-spectrum bat detectors were deployed in 2019, at the residential properties on the Humberstone Speedway property. Furthermore, “The detectors were programmed to record between a half hour before sunset and a half hour after sunset.” However, according to the *Bats and Bat Habitats: Guidelines for Wind Power Projects* (OMNR 2011), exit surveys (using bat detectors) are to occur from 30 minutes before dusk (i.e. approximately sunset) until 60 minutes after dusk (i.e. approximately 90 minutes after sunset). Please explain. Also, please provide the weather data to confirm how many of the 12 nights of monitoring were carried out under acceptable conditions.

Additional clarification requested.

According to Section 4.4.2: "Field survey methods for the bat surveys were based on the MNRF guidance document, Bats and Bat Habitats: Guidelines for Wind Power Projects (MNR 2011)." According to this protocol, evaluating the significance of bat maternity colony roosts is determined by monitoring candidate roost sites by conducting visual exit surveys in conjunction with bat detectors. There is no mention of passive monitoring. Furthermore, the timing of the exit surveys is to occur from 30 minutes before dusk to 60 minutes after dusk. The methods described in the report are inconsistent with this protocol. Even if passive monitoring was required, the survey window should have lasted the majority of the night. Furthermore, even if MECP's 2021 protocol "Use of Buildings by Species at Risk Bats Survey Methodology" was applied, it states that: "Bats typically begin exiting approximately 30 minutes after sunset but surveyors should be ready to start the survey by sunset. Count each bat that exits the structure. Continue the survey for one hour after the first emergence or longer if bats continue to emerge. Record the total number of bats observed exiting. It is important to note that many bats will be heard on the heterodyne detector and not visually observed but they can be included in the count if the surveyor is confident that the bat is exiting and not flying by." Please provide additional clarification and reconfirm what survey protocol was followed. Concerns remain regarding the adequacy of the survey effort.

4. Section 4.4.3 Breeding Bird Surveys and Bobolink/Eastern Meadowlark Surveys
 - a. Based on the number of stations surveyed in 2017 (14), 2018 (17) and 2019 (23), and the fact that up to three survey visits were carried out each year, quite a few field sheets appear to be missing from Appendix E. Please provide all field data sheets for review. Also, please ensure that the numbering of the point count stations in the data sheets corresponds with the same numbering on Figure 3. There appear to be a few discrepancies.

Response accepted.

5. Section 4.4.4 Amphibian Habitat Assessment and Anuran Call Count Surveys
 - a. According to the report, an assessment of surface water features was conducted to evaluate their suitability to support breeding amphibians. However, this information appears to be missing. Please provide.

Response accepted.

- b. Although the report indicates that the Anuran Call Counts followed the Marsh Monitoring Program protocol, the:
 - i. Majority of the point counts conducted on April 24th, 2017 didn't meet the minimum temperature thresholds for the second survey visit (the survey window to which this date was closest).

Response accepted. However, please see response to Comment 3.

- ii. May 19th, 2020 survey visit was carried out in weather conditions that were too windy, potentially negatively affecting (i.e. reducing) call output and survey results.

Response not accepted.

The statement “if calling intensity was reduced it is unlikely that this reduction would impact the overall assessment of existing conditions for calling frogs” is unsupported and assumes knowledge of the findings before the surveys have been adequately conducted. It is recommended that the second round of anuran call counts be rerun under acceptable weather conditions.

6. Section 4.4.6 Fish and Fish Habitat

- a. The Natural Environment Level 1 / 2 Report states that Golder used internal Technical Procedures 8.5.1 -Watercourse Mapping System to complete a qualitative fish habitat assessment of the East Wignell Drain in 2017 with two additional reaches assessed in 2019. The report states that during the fish habitat assessment, all reaches of East Wignell Drain on the site were surveyed and notes that a section between what are referred to as the North Channel and the South Channel was not surveyed. No habitat characterization was conducted downstream from the site. Please clarify.

Response accepted.

- b. Golder Technical procedure 8.5.1, which was used to assess fish habitat, is not provided in the Natural Environment Level 1 / 2 Report. The Golder Response to the Region of Niagara comments on the Terms of Reference for the Natural Heritage Environment Work Program (refer to Appendix D of the Natural Environment Level 1 / 2 Report) indicates that the details of the method will be included in the combined Natural Environment Level 1/2 /EIS report. Please address.

Response accepted.

- c. Three documents are referenced as the basis for the habitat mapping methods. One of these (Roper and Scarnecchia, 1995) is not included in the References section of the report. Please address.

Response accepted.

7. Section 4.5 Analysis of Significance and Sensitivity and Impact Assessment

- a. According to the report, “An assessment was conducted to determine if any significant environmental features or SAR exist, ...” However, it does not appear that the deciduous swamp (SWD3-2) present at the north end of the subject lands was re-evaluated for significance using the field data collected from 2017 – 2020.

Response conditionally accepted.

It should be clarified in the report that an assessment for significance was not undertaken for the wetland feature as part of the current scope of work, and

clarify whether or not the findings have been provided to the Province to determine if the records affect the existing OWES scoring such that they would change the status of the wetlands.

8. Section 5.2 Hydrogeology

- a. Details regarding the hydrogeology characteristics as they relate to natural features present should be expanded. For example, specific information regarding depth to ground water (average, seasonal), flow rates, etc. would help to better understand the existing hydrogeological function of wetlands on the property.

Response not accepted.

The requested information required to appropriately characterize the functions associated with the wetland should be included in the Natural Environment Report. For example, clarification is required to determine whether or not there is shallow groundwater flow associated with the areas to the northeast and east of the site that could be disrupted by extraction area 3.

9. Section 5.3 Surface Water Resources

- a. Details regarding the surface water function as it relates to the deciduous swamp at the north side of the study area should be discussed in this section.

Response conditionally accepted.

Confirm that surface water functions associated with the deciduous swamp have been included in the Natural Environment Report.

10. Section 5.4.2.1 Deciduous Swamp Characterization

- a. Consistent with comments regarding the Hydrogeology and Surface Water Resources sections, a characterization of the overall hydrologic function of the swamp should be provided.

Response not accepted.

Information is requested to be included in the Natural Environment Report to confirm the hydrological functions of the swamp. In particular, additional information is required to clarify whether or not there is shallow groundwater flow associated with the areas to the northeast and east of the feature that could be disrupted by extraction area 3.

11. Section 5.5.5.1 Fish Habitat

- a. Field sheets for the 2019 field investigations are in Appendix E of the Natural Environment Level 1 / 2 Report but the field sheets from the 2017 characterization do not appear to be. The units for electrical conductivity are reported to be $\mu\text{S}/\text{cm}$, which we interpret to be a short-form for microsiemens per centimeter, on one of the four field sheets and are not reported on the others. The reported values range from 0.192 – 0.196; these are three orders of magnitude less than would be expected. Are the numbers siemens per centimeter?

Response accepted.

12. Section 5.5.5.2 Fish

- a. No fish sampling data were acquired through background review and no fish sampling was conducted during the field investigations. The report states that some of the warmwater fish species present in Lake Erie may be present in East Wignell Drain, West Wignell Drain, and Beaverdam Drain and that stocked coldwater species are unlikely to be present. Such statements would not normally be considered an adequate characterization of the fish community.

Response not accepted.

The Golder response describes changes to East Wignell Drain that represent modifications to those described in the original submissions. It is no longer proposed that the drain will be permanently realigned around the proposed quarry footprint by the City of Port Colborne. Instead, it is proposed that East Wignell Drain will be realigned upstream from the Phase 1A extraction area by the City of Port Colborne and that Port Colborne Quarries Inc. will construct a temporary diversion around the Phase 1A extraction area, extract the Phase 1A area, backfill the Phase 1A area, and reconstruct East Wignell Drain on the surface of the backfilled area in approximately the original location. Note that the Comprehensive Rehabilitation Strategy Pit 1, Pit 2, Pit 3, Pit 3 Extension (IBI Group, Revised December 15, 2021; refer to Figures 5 and 6 and the timeline in Section 6) does not indicate that backfilling of the eastern arm of the Phase 3 extension area and relocation of Wignell Drain back to its original location following extraction will occur.

The response states that “the drain is underlain by low permeability clay soils and therefore there will be a low leakage of surface water through the base of the drain.” Does this refer to the existing state? Can/will this condition be replicated after the clay soils are stripped, the rock is extracted, the area is backfilled, and the drain is reconstructed?

The response states that “The realignment of the drain is not expected to occur for at least 15 years, and due to the low permeability soils it is not anticipated that there will be an impact on the fish habitat.” The next sentence in the response indicates that realigning the drain “has the potential to impact fish habitat” Please clarify why it is concluded that relocating the drain (twice) will not impact fish habitat.

The response indicates that “prior to undertaking any of the operational activities that have the potential to impact fish habitat in the drain, including drain realignment and stripping/excavation within approximately 30 m, the appropriate agency/agencies will be contacted, and the required authorizations will be obtained at that time. Additional field surveys such a [sic] fish habitat and fish community surveys may be required as part of those authorizations. This commitment will be added to the site plans. Because the impacts on fish habitat

resulting from operational activities are not expected to occur for several years, fish community surveys conducted for this NEL 1/2 would be out of date by the time the required authorizations must be obtained.” It appears that the drain realignment is integral to the proposed extraction. It would be prudent for the proponent(s) and review agencies to provide and review information with respect to the existing fish community, including possible seasonal use, in order to determine if the proposed approach is acceptable conceptually, based on the existing conditions. It is not considered best practice to not acquire information on existing conditions because the time frame for a component of the proposed activity for which approval is being sought will not occur while those data are considered current.

13. Section 6.3 Significant Wetlands

- a. The report states that “*There are no significant wetlands on the site.*” However, the deciduous swamp at the north end of the site (i.e. SWD3-2), acknowledged to be a non-provincially wetland (see Section 2.7), was not re-evaluated using the field data collected between 2017 and 2020. Data collected for this study could be used to determine if the status of the wetland would remain the same or may be updated.

Response conditionally accepted.

It should be clarified in the report that an assessment for significance was not undertaken for the wetland feature, and that the findings have been provided to the Province to confirm whether or not records affect the existing OWES scoring.

14. Section 6.4 Significant Woodlands

- a. Table 9 uses feature IDs that are not presented on any of the report figures. Updating the figures to include the IDs would help with cross-referencing the features in question.

Response not accepted.

Although location descriptions are provided for some of the woodland features within the study area, others are missing, and/or the description is not clear. To clarify this issues, please clearly identify on a map the woodlands that have been assessed and those that have not been assessed using the various Significant Woodlands criteria.

- b. Clarification should be provided as to whether, given existing conditions, woodland FOD7-2 would be considered a key feature given presence of Eastern Wood-Pewee and proximity to the east branch of the Wignell Drain.

Additional clarification requested.

It is accepted that Eastern Wood-Pewee was not documented in FOD7-2. However, for clarity, a response should also be provided regarding the proximity of FOD7-2 to the Wignell Drain.

- c. For transparency and clarity, data and assessment outcomes for woodlands on the site that were determined to be not significant should also be included.

Response not accepted.

Not all woodlands within the study area are included in the Significant Woodlands assessment. Table 9 of the report only includes woodlands that were assessed, this leaves out at least 10 woodland or plantation features located within the study area. Please address.

15. Section 6.7.1 Seasonal Concentration Areas (Significant Wildlife Habitat)

- a. Given that no acoustic detectors were deployed adjacent to FOD7 or FOD7-2 (at the north end of the site), please indicate why these vegetation communities could not provide significant bat maternity roost habitat. Some of the trees in these vegetation communities may have been present in 1934 and given their maturity, may provide opportunities for roosting.

Response not accepted.

Please provide a response. No response was included. However, it is recognized that acoustic monitoring was conducted at these two woodlands in 2021 and this information was included in the resubmission

16. Section 6.7.3 Specialized Habitat for Wildlife (Significant Wildlife Habitat)

- a. The report states: “Based on the result of the anuran call count surveys (Section 5.5.3) no SWH for amphibian woodland breeding was identified in the study area.” However, Section 5.5.3 does not include abundance information for the species documented, therefore the information presented doesn’t allow an evaluation of significance. Furthermore, according to the Anuran Call Count data sheets included in Appendix E, it appears that calling levels at some stations exceeded the minimum thresholds for significance recommended in the Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E (OMNRF, 2015). Please address.

Response accepted.

- b. For transparency, it would be helpful if the report indicated why Woodland Area-Sensitive Bird Breeding Habitat was not present.

Response accepted.

17. Section 6.7.4 Rare Habitat (Significant Wildlife Habitat)

- a. Please confirm why the woodland habitats at the north end of the study area (i.e., vegetation community SWD3-2, FOD7 and FOD7-2 are not considered Old Growth Forest SWH. The areas where these communities are present appeared to be mature forest in 1934.

Additional clarification requested.

The response indicates that trees within the noted feature may have been aged. Please confirm whether or not this is the case, and if so, the methods used and results.

18. Section 7 Impact Analysis

- a. Despite not being considered a Significant Woodland, the Impact Analysis section should acknowledge and discuss the loss of the 0.85 ha forest community FOD7-2, which is present within the proposed extraction limit.

Response conditionally accepted.

Confirm that the wording is captured in the impact assessment section of the report, and where necessary considered in the rehabilitation plan.

19. Section 7.1.1 Birds (Threatened and Endangered Species)

- a. Report text on page 25 indicates that Bank Swallows were observed flying over the agricultural fields on the site in 2018 and 2019. Although no suitable nesting habitat is present on site, it was stated that the species could potentially be nesting in stockpiles in the aggregate pits to the west. It is also possible, although less likely, that Bank Swallows could be utilizing exposed cliff faces in recently excavated areas adjacent to the proposed quarry expansion area. In either case, the impact that the proposed quarry expansion would have on its foraging habitat should be evaluated, as per the General Habitat Description for Bank Swallow (OMNRF, 2015). Until this has taken place, and MECP has been consulted, it is premature to conclude that this species will not be negatively impacted by the proposal.

Additional clarification requested.

Given that Bank Swallows could be nesting in stockpiles in the aggregate pits to the west, has MECP been consulted regarding its presence and protection? According to MNRF (2017) "Under Section 23.14 (pits and quarries provision) of ESA Ontario Regulation 242/08, eligible aggregate producers may undertake activities that would otherwise contravene the ESA, provided they register and follow the regulatory conditions.". Furthermore, it states: The regulatory conditions include developing and implementing a mitigation plan and reducing adverse effects on the species and its habitat (see Section 2.2). Has a mitigation plan been developed and implemented?

- b. As indicated in Section 5.5.2, and reconfirmed in Section 7.1.1, Bobolink and Eastern Meadowlark (both designated Threatened in Ontario) habitat was documented in 2017, 2018 and 2019, from within and directly adjacent to the site. Given the intent to develop these lands as an aggregate quarry, the Ministry of Environment, Conservation and Parks (MECP) must be contacted as per Section 23.6 of Ontario Regulation 242/08 to confirm compensation requirements. Please ensure that the Region is copied on all correspondence with MECP to ensure that the matter is being appropriately addressed. Furthermore, the statement that

the local farmer is planning to replace the hay fields used by Bobolink and Eastern Meadowlark to a nitrogen fixing cover crop to restore nutrients may not be necessary given that, with an approved licence, the lands would be approved for extraction and thus long-term soil management would not be required.

Response conditionally accepted.

Please confirm that the number of individuals, date and location of all Bobolink and Eastern Meadowlark observations made on and within 120 m of the subject lands will be submitted to MECP so that the entire data set is considered.

20. Section 7.1.2 Bats (Threatened and Endangered Species)

- a. The report text concludes by stating that suitable bat maternity roost habitat is not expected to be negatively affected by the project. However, until the complete assessment of potential suitable bat maternity roost habitat is made available for review, this conclusion is premature. Please see previous comments related to this concern and provide the applicable field data sheets.

Additional clarification requested.

Please see the follow-up responses to comment 6.

21. Section 7.2 Fish Habitat

- a. The impact of the realignment of Wignell Drain is not assessed. The Natural Environment Level 1 / 2 Report states “It is Golder’s understanding that the City is planning to realign the East Wignell Drain (formerly Mitchner Drain) around the eastern boundary of the site. Without these realignment design details, it is not possible to assess the potential effects of the proposed quarry expansion on the realigned Wignell Drain prior to its planned realignment.”

The response refers the reader to the response to point 18. We do likewise.

- b. The Natural Environment Level 1 / 2 Report indicates that, although drainage area to Wignell Drain will be lost, pumping from the expanded quarry will likely discharge water into the realigned drain, resulting in increased average annual flow while creating a stable flow regime with controlled peak flows. The report titled Hydrological Assessments in Support of Aggregate Resources Act Applications for the Port Colborne Proposed Pit 3 Extension, Port Colborne, Ontario (Golder, 2020) indicates that flow from the quarry expansion will be directed to both the East Wignell Drain and the West Wignell Drain. Please address this discrepancy and explain how dewatering from the quarry affect flows, including how it will create a stable flow regime.

Response accepted.

- c. Please provide an assessment of the impacts on flows in East Wignell Drain and West Wignell Drain, as they relate to fish habitat, when quarry

operations cease and an assessment of the fish habitat status of the 177 hectare lake that is expected to be present when the quarry ceases operation. Will fish habitat features be incorporated into the lake?

Response accepted.

22. Section 7.3 Significant Woodlands

- a. It is acknowledged that the hydrogeology and hydrology reports are referenced and indicate that no impacts to the hydrologic function of the swamp in the north area of the site are expected. With regard to the surface hydrology however, there are no maps presented that show the existing catchment and surface drainage patterns as they relate to the swamp; therefore the no impact conclusion cannot be fully validated at this time.

Additional clarification requested. Based on the information provided in the response, additional information is requested to clarify whether the catchment areas affected are connected to the hydrology of the swamp feature.

- b. Additional detail is required to justify a 10 m buffer from the significant woodland feature. In addition to protecting the critical root zone of trees, other considerations should include, but are not limited to potential to mitigate impacts to the hydrologic function of the wetland (particularly surface drainage, and wildlife habitat functions).

Additional clarification requested. Additional information is required to clarify whether a 10 m buffer is sufficient to mitigate impacts associated with changes in drainage and groundwater along the west section of the site associated with extraction area 3.

- c. Recommendations provided in the Final Arborist Report (IBI, 2020) should be reflected in the Natural Environment Report and detailed on the Site Plan. In particular, potential impacts and recommendations to avoid compaction and root damage outlined in the Arborist Report section 5.1 and 5.2 should be presented in the appropriate sections of the Natural Environment Report.

Response accepted.

23. Section 7.4 Significant Wetlands

- a. Following from the comment related to the status of the swamp present at the north end of the site, a determination of whether data collected for this study may affect the status determination of the Upper Wignell Drain Wetland Complex assessment.

Response conditionally accepted.

It should be clarified in the report that an assessment for significance was not undertaken for the wetland feature as part of the current scope of work, and clarify whether or not the findings have been provided to the Province to determine if the records affect the existing OWES scoring such that they would change the status of the wetlands.

24. Section 7.6 Impact Assessment Summary

- a. As noted in a previously, the Significant Woodland feature IDs should be presented on a map for clarity.

Response not accepted.

Although location descriptions are provided for some of the woodland features within the study area, others are missing, and/or the description is not clear. Please address.

25. Section 7.5.1 Candidate Landbird Migratory Stopover Habitat (Significant Wildlife Habitat)

- a. Please provide rationale in support of the statement that “*It is not anticipated that the proposed quarry expansion will have a negative effect on the use of this candidate (but unconfirmed) SWH by migrant birds.*” In addition, following standard procedures, until the required field surveys have been conducted, the status of this SWH type should be considered confirmed.

Additional clarification requested.

It is unclear if it is being suggested that the evaluation of significance is not necessary since the qualifying wooded communities are outside the proposed development area? Furthermore, it is our understanding that if adequate surveys have not been completed to establish significance, confirmed status must be assumed since, it is the proponent’s responsibility to indicate whether Significant Wildlife Habitat is present and whether it will be negatively impacted as per Policy 2.1.5 of the PPS. Assuming the woodlands at the north end of the subject lands are SWH, the reasons provided in the response do not adequately establish that the proposed quarry activities will not have negative impacts on its ecological functions. As indicated, they are merely basic principles to help retain SWH function. Additional clarification is requested (preferably supported by scientific literature), especially as it relates to potential impacts associated with adjacent noise and visual disturbance.

26. Section 7.5.2 Candidate Woodland Bat Maternity Roost Habitat (Significant Wildlife Habitat)

- a. Please see previous comments related to Bat Maternity Root habitat and reconfirm whether all candidate Bat Maternity Root SWH is located outside the proposed limit of extraction.

Response accepted.

27. Section 7.5.3 Amphibian Wetland Breeding Habitat (Significant Wildlife Habitat)

- a. Please see comment 13 and reconfirm whether Pond 3 represents the only confirmed SWH on the site.

Response not accepted.

Please revise to account for the response provided to Comment 24. In addition, confirmation should come after the second round of anuran surveys has been re-run.

28. Section 7.5.4 Habitat for Species of Conservation Concern (Significant Wildlife Habitat)

- a. Please provide support for the conclusion that the proposed quarry expansion will not negatively impact Eastern Wood-Pewee and Wood Thrush, both of which would be directly adjacent to an active aggregate quarry, subject to increased disturbance (i.e. noise) and dust.

Response accepted.

Given the acknowledgement that the existing and proposed expansion areas will not be active at the same time we agree that conditions within SWD3-2 are unlikely to change significantly and lead to increased negative impacts

- b. Re: Grasshopper Sparrow statements, the Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E (OMNRF, 2015) do not exclude actively managed agricultural lands from consideration as SWH. Furthermore, SWH assessment is not contingent upon when the proposed development is to occur but rather the time the features were studied. Please address.

Response not accepted.

It remains our understanding that the fields where Grasshopper Sparrows were documented are considered SWH and receive protection under the PPS. Policy 2.1.5 of the 2020 PPS states: "Development and site alteration shall not be permitted in: ...d) significant wildlife habitat; ... unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions." Furthermore, the determination of negative impacts is not contingent upon how the expected loss of the species from the subject lands will affect the regional population of the species. Please readdress.

- c. Details regarding methods to avoid impacts to Snapping Turtle and associated habitat are required in the Natural Environment report and the Site Plan.

Additional clarification requested.

Snapping Turtles are designated Special Concern in Ontario and receive protection in the PPS through designation as Significant Wildlife Habitat. According to the Section 5.5.4 of the report, a single Snapping Turtle was documented in Pond 1 on May 21, 2019. Later in Section 7.5.4, it is stated that that "The ponds located on the Humberstone Speedway property have been confirmed as habitat for snapping turtle." Furthermore, the report indicates that the loss of this habitat will be addressed through the creation of new habitat as part of the rehabilitation plan. However, additional details are required regarding how the species will be protected from prior to habitat removal to after the new

habitat has been created. For example, is rescue/salvage planned at the ponds on the Humberstone Speedway property? When is this planned to occur? Where/when will rescued turtles be taken and released? How close to the existing habitat is the recipient locations and how is recolonization to occur (i.e. naturally, or via additional trapping)? In addition, while the Rehabilitation Concept described in Section 8.1 indicates basking logs will be created/installed in the new habitat, it is not clear whether nearby nesting habitat will also be created. To answer these and other questions, it is recommended that all of the species' life history requirements be addressed and described in a species-specific mitigation plan, including how it will be known whether these efforts were successful. Detailed design specifications the new habitat should also be included for review to ensure suitability.

29. Section 7.6 Impact Assessment Summary

- a. Re: Table 10. Please review and revise as necessary, as per the preceding comments.

Response conditionally accepted.

Please see the preceding follow-up response and address accordingly.

30. Section 8.0 Rehabilitation / Mitigation / Monitoring

- a. Notwithstanding previous comments, how will the loss of vegetation community FOD7-2 be mitigated/compensated? How will the functions be replaced, including lost wildlife habitat?

Response accepted.

- b. Clarify if the rehabilitation located along the north section of the existing Pit 3 has been agreed on as part of the respective rehabilitation plan.

Response accepted.

- c. Clarify if the proposed rehabilitation located at the north end of extraction area 3 and east of the deciduous swamp is feasible given the proposed realignment of Wignell Drain. Would an integrated approach be undertaken as part of the rehabilitation implementation?

Response accepted.

31. Section 8.2.1 General Best Management Practices

- a. For clarity, please identify which vegetation features will be removed and would require nesting surveys if they are removed between April 15th – August 15th, and that this direction has been presented on the Site Plan notes.

Response accepted.

- b. Third bullet should be separated to identify sediment and erosion controls etc BMPs from habitat screening for Bobolink or Eastern Meadowlark habitat.

Response accepted.

- c. Fifth bullet should add that the use of native plant species should be prioritized for rehabilitation plantings, and that removal of existing habitat for Monarch can be offset by incorporating Common Milkweed where appropriate.

Response accepted.

32. Section 8.3 Monitoring

- a. Specific targets should be established to identify low versus high-risk changes to ground water level draw-down in the overburden in protected features. As well, the appropriate contingency measure that will be implemented should ground water levels drop below the high-risk threshold should be identified and actions documented on the Site Plan.

Additional clarification requested.

Clarification is required for what contingency measures are in place if thresholds are exceeded.

- b. In addition to the proposed wetland vegetation monitoring program, it is also recommended that a wildlife monitoring program be established:
 - i. In the deciduous swamp (SWD3-2). It should include breeding bird surveys and anuran call count surveys and aim to document whether the proposed adjacent extraction activities negatively impact species diversity and abundance, especially the Species at Risk known to occur in the woodland.

Response conditionally accepted.

Potential impacts to wildlife associated with blasting, increased presence of heavy machinery, etc. may occur well before extraction occurs within 30 m of protected feature. It is recommended that a different monitoring approach be recommended that has the potential to identify impacts before extraction is in proximity to the protected features.

- ii. At each of the wetland replacement habitats along the periphery of the extraction area. The purpose of this monitoring would be to document the success of these features as breeding habitat for amphibians as well as foraging and overwintering habitat for Snapping Turtle.

Response accepted.

33. Section 10.0 Site Plan Notes

- a. Site plan notes should summarize the comprehensive set of recommendations identified in the Natural Environment Report, including but not limited to, sediment/erosion controls, nest screening of all vegetated areas if removal is undertaken April 15th-August 15th, wildlife screening where habitat removal is proposed, etc. This includes recommendations presented in Section 9.0, and other recommendation

that are determined to be appropriate based on the outcome of this review and final modifications.

Response accepted.

34. Figures

- a. Vegetation community FOD7-2 is missing from Figure 1. Please address.

Response conditionally accepted.

However, for greater clarity, it is recommended that the Legend be revised. It currently indicates that wetlands and woodlands are shown, but the FOD7-2 woodland patch is not included.

- b. For clarity and future ease of review, please include Breeding Bird Survey (BBS) station 10 and Anuran Call Count (ACC) station 11 on Figure 3.

Response accepted.

35. Appendix C Wildlife List

- a. According to the list of wildlife species, only three invertebrate species were documented. However, upon review of the field data sheets contained in Appendix E, at least three additional species were also documented. If the Natural Environment Report is revised, please include all invertebrate species on the Wildlife List.

Response accepted.

36. Wignell Drain

- a. The Wignell Drain (east branch) runs through two different sections of the subject lands. It is the NPCA's understanding that the City of Port Colborne is undergoing the necessary *Drainage Act* process to relocate the northern portion such that the Drain would not bisect the Phase 3 extraction area. This will be a separate process from the applications being reviewed. The NPCA will be involved in that process and has no comment at this time of the relocation of this section of the Wignell Drain.
- b. There is a southern section of the Wignell Drain that bisects an area for extraction. The applicant has indicated that the City will be realigning that portion of the Drain. In conversations with City Staff, the City has not received any request to realign that portion of the Drain and it is not part of current updates to the Drainage Engineering Report. This proposed realignment will have to go through the *Drainage Act* process, which would be led by the City and separate from these applications. It is our understanding that there are concerns with the increase in channel length that would result from such a realignment. More detailed information would need to be reviewed during the *Drainage Act* process.

NPCA staff have been involved in further discussions about the proposed realignment of the southern section of the Wignell Drain. Presently, this is not under any review by the City but it is our understanding that the City is going to look into incorporating the southern realignment into the current update to the Engineer's Report for the northern re-alignment.

- c. Additional comments relating to the Wignell Drain include:
 - i. The EIS indicates that, although drainage area to Wignell Drain will be lost, pumping from the expanded quarry will likely discharge water into the realigned drain, resulting in increased average annual flow while creating a stable flow regime with controlled peak flows. The Hydrological Assessments indicates that flow from the quarry expansion will be directed to the Wignell Drain (both the east and west branches). Please address this discrepancy and explain how dewatering from the quarry affect flows, including how it will create a stable flow regime.

Comment addressed.

- ii. Assessment of the impacts on flows in Wignell Drain (east and west branches), as they relate to fish habitat, when quarry operations cease and an assessment of the fish habitat status of the 177 hectare lake that is expected to be present when the quarry ceases operation. Will fish habitat features be incorporated into the lake?

Comment addressed.

37. Wetland

The Wignell Drain Wetland Complex is an LSW at the northern portion of the subject lands. The applications are not proposing any extraction within the wetland. This is consistent with Section 8.2.2.1 of the NPCA's Policies. The applications propose a 10 metre buffer from the wetland to extraction areas. The NPCA previously noted concerns with the 10 metre buffer from the Wignell Drain Wetland Complex and requested additional information to determine if the buffer is sufficient and demonstrate conformity with Section 8.2.3.5 (d) of the NPCA's Policies:

- a. *The EIS indicates that there are no significant wetlands on the site, however, it does not appear that the LSW (SWD3-2) present at the north end of the subject lands was re-evaluated for significance using the field data collected from 2017 – 2020. Data collected for this study could be used to determine if the status of the wetland would remain the same or may be updated. The NPCA notes that clarification should be provided in the Natural Environment Report that an assessment for significance was not undertaken for the wetland feature as part of the current scope of work, and clarify whether or not the findings have been provided to the Province to determine if the records affect the existing OWES scoring such that they would change the status of the wetlands.*

b. Details regarding the hydrogeology characteristics as they relate to natural features present should be expanded. For example, specific information regarding depth to ground water (average, seasonal), flow rates, etc. would help to better understand the existing hydrogeological function of wetlands on the property. In addition, a characterization of the overall hydrologic function of the LSW should be provided. The NPCA notes that the requested information required to appropriately characterize the functions associated with the wetland should be included in the EIS. In particular, additional information is required to clarify whether or not there is shallow groundwater flow associated with the areas to the northeast and east of the feature that could be disrupted by extraction area 3.

c. Details regarding the surface water function as it relates to the LSW at the north side of the study area should be discussed in Section 5.3 of the EIS. Based on our review, the NPCA requests that the applicant confirm that surface water functions associated with the deciduous swamp have been included in the EIS.

Appendix 10: Comprehensive Rehabilitation Plan Strategy Comments

Regional and City planning staff have reviewed the Revised Comprehensive Rehabilitation Strategy, prepared by IBI Group (dated December 15, 2021) as well as the overall resubmission cover/response letter from IBI (dated January 31, 2022) and offer the following based on our previous comments:

1. S. 2.2, Page 1 – Policy 6.C.9 of the Regional Official Plan is in regards to Regional Roads. The roads between the PCQ pits are not Regional Roads.
Comment addressed.
2. S. 2.3, Page 2 – Policy 10.2.1. of the Port Colborne Official Plan requires rehabilitation to be completed sequentially and in a “reasonable time”. The application and Rehabilitation Strategy should better demonstrate how rehabilitation is occurring in a “reasonable time”.
Comment addressed.
3. S. 3.1, mid-way through Page 6 – reference to a 2028 Site Alteration Agreement. Assume this date is incorrect and should be 2018.
Comment addressed.
4. S. 3.2, Page 8 – It is stated that it will require “many years” for the pits to fill and the ground water to reach equilibrium. Can a quantitative estimate be provided?
Comment addressed.
5. S. 3.3. Page 8-9 – The rehabilitation strategy should provide a clear estimate on when operations will be switched from Pit 1 to Pit 3, and therefore when the planned rehabilitation of Pits 1 and 2 will start.
 - a. This should include detail on the anticipated opening of the Highway 3 access and closure of the current access and internal haul road.
Comment is considered addressed. Thank you for providing a revised timeline of the anticipated operation and rehabilitation sequence. If any additional revisions are required, please consider adding a note of when the proposed Highway 3 access would begin to be used.
6. S. 5., Page 12 - Why is this section called “current” rehabilitation plan. Is there a former rehabilitation plan that should be referenced? Is the rehabilitation plan expected to be changed in the future?
Comment addressed.
7. S. 5., Page 12 – states that “At this time, long-term ownership of the lands is intended to remain with PCQ.” Will public access be permitted?
Comment addressed.
8. S. 6., Page 12 - The timing and dates in this section require review and revisions. For example, it states that Pit 3 Extension is being prepared for extraction in 2030 and that the lake is beginning to fill in 2050. This would be less than 20 years of

operations. This does not align with a range of estimates in the application, including 35 years.

- a. Decade timing increments (2030, 2040, 2050) do not provide sufficient detail of when significant events will occur.

Comment addressed.

9. S.8., Page 13 – modified strategy. If this modified strategy were used, would it not result in a significantly longer time before the pumps could be turned off and Pit 2 allowed to fill?

Comment addressed – however, it is still unclear what would be the trigger for the alternative rehabilitation strategy.

10. S. 9, Page 15 – The final summary states that public access would be permitted to view the Area of Natural and Scientific Interest (ANSI) in the industrial subdivision. Would public access be permitted in the Western and Eastern Lakes?

Comment not addressed.

11. Further commentary regarding the future plans of Pit 1 should be included. Based on PCQ and City discussions, the filling of Pit 1 is on-hold for the time being – this should be reflected in the Comprehensive Rehab Plan for full transparency. A timeline of when this will be active again should also be included. The Comprehensive Rehabilitation Plan must comply with City of Port Colborne Official Plan policies, specifically Section 10.2.1 j) and 10.2.2 c).

Comment addressed.

The following additional comments are provided based on the review of the resubmission:

- *The report does not make any mention of the need to realign the Wignell Drain as part of the comprehensive rehabilitation strategy. Please address and provide additional details and anticipated timing related to the proposed infilling of the quarried area that would be located east of the proposed final drain realignment.*
- *The figures in the Comprehensive Rehabilitation Strategy should match the ARA Site Plan figures. Specifically Figure 5 shows the entire 'dog-leg' area at the east end of the site as being rehabilitated to a lake, whereas it is understood that much of this area will need to be filled with earth to allow the reconstruction of the Wignell Drain to near its original location.*

Appendix 11: Social Impact Assessment Comments

City planning staff have reviewed the Revised Social Impact Assessment, prepared by IBI Group (dated December 15, 2021) and have no outstanding concerns.

Appendix 12: Traffic Impact Study Comments

No formal resubmission in regards to the traffic impact study was made. An e-mail from IBI dated May 30, 2022 addressed several of the comments from the original JART comment letter.

Based on the May 30, 2022 e-mail the following is provided:

1. Regional transportation do not have any comments on the TIS and note that truck traffic from the site will not use Miller Road. Regional staff are looking for clarification on the farm access, which is was not included in the TIS but was shown and noted on the plans and what the intended use is for this access on Millar Road. Once this is clarified, further detailed comments on implementation and permitting requirements will be provided. If there are no future changes to the TIS, the Region will accept this TIS for this application and have no further comments.
Regional transportation staff request that that the note be modified to read access by farm vehicles and remove the “quarry employees”.
2. Carl Road between Highway 3 and Second Concession Road is a rough road; however, there does appear to be a road there (as demonstrated by that fact that we have provided a stop sign in the SB direction). Will this road allowance be formally closed by the City through a By-law?
Comment addressed.
3. It appears Highway 3/Carl Road/Weaver Road is already constructed as a four leg intersection. Use of this access by the quarry should not be assumed until it is formally a permitted access under their name (i.e. close the municipal road, then permit this location as an entrance, then the quarry can use it for operational purposes.)
No response is required.
4. The MTO has indicated that recommended eastbound left turn on Highway 3 Access will be the responsibility of the proponent. As this new proposed site entrance will be opened in 2034, the proponent will submit an updated report regarding its operation and details of other geometric improvements (if required at that time) based on future conditions (2034 & 2039) before construction / opening to site traffic for the Ministry’s review and approval.
No response is required.
5. The recommended increase in the taper length of southbound right turn on Highway 140 and Second Concession Road intersection beyond 2039 due to background traffic will be considered by the Ministry, subject to the vehicle delays and increase in the traffic volumes due to which right turn vehicles overspill to the southbound through lane and causing delay to the straight through traffic in 2039.
No response is required.

6. The figures in the TIS do not show the two way stop control at the intersection of Highway 3/Carl Road/Weaver Road (stop signs on NB and SB intersection approaches).
Comment outstanding.
7. The remainder of the TIS is acceptable to the MTO.
No response is required.
8. Page 9 of the PDF (labelled Page iii) - Reference to "Highway 130" should be "Highway 140".
Comment outstanding.
9. Have there been any issues with the Babion Road crossing from Pit 2 to Pit 3? It appears on site that Babion Road is secondary to the truck crossing.
Comment addressed.

Appendix 13: Visual Impact Study Comments

The Revised Visual Impact Assessment, prepared by IBI Group (dated December 15, 2021) has been reviewed and there are no outstanding concerns.

Appendix 14: Site Plans

Staff have reviewed the updated site plans and site plan notes included in the resubmission package, and offer the following based on our original detailed comments:

1. General: the Site Plans show realignment of the Wignell Drain, which is subject to prior approval from the municipality. This should be clearly referenced on the Site Plans.
Comment is outstanding. This comment will need to be resolved in conjunction with other comments regarding the realignment of the Wignell Drain.
2. Page 3: Operations
 - a. Drawing indicates “East end of Drain to be truncated with on-site clean fill” – suggest that drawing reflect requirement for municipal (Drainage Act) approvals
Additional details have been provided in the phasing description for 1A.
Outstanding items
 - *Reference to municipal Drainage Act approvals for drain realignment and “temporary” bypass*
 - *Discussions with PCQ indicate that the repositioning of the drain will take 20-25 years (site plans say to its original location but this is not accurate). It would be helpful to indicate the expected timeline.*
 - *Please provide the volume of fill required for backfilling the eastern tab.*
 - b. 5% grade at entrance
No response required.
 - c. It is unclear what the dotted lines through the site are intended to show – possibly haul route? Phasing? Please clarify.
Comment Addressed.
 - d. Linework is similar to blast zone and archaeology zone limits so would be clearer to label what these lines are
Comment Addressed.
 - e. Add berm symbol to legend – confirm configuration of berms around the weigh scale and scale house area
Comment Addressed.
 - f. Label berms to correspond with VIA notes on Page 5
Comment Addressed.
3. Page 4 – Operational Notes Plan
 - a. Note 2 – indicates that hours of operation can be extended “to the extent necessary to address exceptional circumstances” – confirm that this is

acceptable in Niagara – in other areas it is not uncommon to have municipal approval to extend hours or require notification at minimum

Comment Addressed.

- b. Note 3 – indicates access to Humber Speedway and Carl Road entrances to be permanently closed – Page 3 shows “gated and closed” – perhaps for consistency show same wording on Page 3

Comment Addressed.

- c. Note 5b – clarify that the new entrance onto Hwy 3 is to be coordinated with a new processing/ wash plant in existing license (4444)

Comment Addressed.

4. Agricultural Notes

- a. Note 3- licensed boundary should be aligned with property boundary – this is common but not sure it is an agricultural condition?

Comment Addressed.

- b. Note 4b) - vague, how is this enforced?

Comment Addressed.

- c. Note 6- not sure what this is referring to? “proposed entrance onto Hwy 3 shall be designed and constructed to accommodate existing land uses”

Comment Addressed.

- d. Note 7- perimeter fencing – not an agricultural condition

Comment Addressed.

- e. Notes 10, 11, 12, 13 – agricultural conditions? *Comment Addressed.*

5. Noise

- a. Note 2- for berm heights, cross reference to the VIA requirements would be useful

Comment Addressed.

6. Air Quality

- a. Note 1- Need to be clearer – what does “when extraction face approaches property line” mean? Within 5metre? Within 50 metres? Within 500 metres? This is not an enforceable condition.

Comment outstanding. No response provided.

- b. Note 2- 4,500 kg/day – how does this relate to tonnage?

Comment Addressed.

7. Blasting

- a. Note 3- s/b “Maintain

Comment Addressed.

- b. Add a note that PCQ will provide the Region and City with a copy of blast records upon request.

Comment Addressed.

- c. Notes seem to indicate that after the first 5 blasts, site specific attenuation protocols will be established – Page 3 shows area for “limit of increased blast monitoring” – notes should clarify why and how this limit was established?

Comment outstanding. No response provided.

8. Hydrogeology

- a. Notes are good – sometimes you see a note indicating annual reports to be made available to MNR/MECP – the Region and City should be included in these notes.

Comment Addressed.

9. NE notes

- a. very detailed

No response required.

- b. Note 5- confirm which Operational Note 12 is being referenced.

Comment Addressed.

Appendix 15: Realignment of Wignell Drain

A technical meeting was hosted by the JART on Monday June 13, 2022 in attempt to communicate the outstanding issues and seek clarification on a number of technical issues in regards to the realignment.

One of the fundamental issues is that the relocation of the drain will require approval under the Drainage Act. There is no certainty of the timing, or if this approval will occur. Therefore it is the request of the JART that the Site Plans (and any supporting documents as necessary) be updated:

- So that any area which requires the relocation of the drain be shown as a separate phase(s) (e.g. a new phase 1C, 3b, etc)
- That detailed notes be included on the Site Plans that reflect the fact that phases requiring relocation are subject to approval and works under the Drainage Act occurring first. The notes should include a general description of the process that needs to be undertaken.

Based on the discussion at the June 13 meeting, the following detailed technical and other comments are provided by the City's Drainage Superintendent, to better understand the issue and to assist with updating the Site Plan drawings. Additional discussions with the City's Drainage Superintendent and Drainage Engineer can be arranged if required.

1. For the realignment through roll 2711-040-003-08300-0000, being the "dogleg" parcel that touches Miller Road, staff offer the following comments. In order for the report to be completed sufficiently, the City will work with the appointed Engineer to include the existing alignment of the drain, a proposed alignment of the drain (requested by PCQ), and the final location of the drain, which will be shown on the PCQ site plan. It is requested that the final alignment of the drain will project in a straight alignment from the point of the pond just north of this property (1498 Miller Road) either due south or westerly to the property limit. The City has inquired with property owners along the westerly limit of Miller Road about the possibility of realigning the drain to the westerly limit of their property, the only individual that responded was the owner of 2711-040-003-08201. The City would like to utilize the best possible grade that can be made available to the Municipal Drain. For all of this relocation, it is requested that a Notice of request for Drain Major Improvement be filed with the City. A copy of the notice can be provided if necessary.
2. The proposal of the extraction area north of the existing drain, labelled Wignell Drain (formerly Michener) is dependent of the drain being moved. In previous meetings held with PCQ staff and the City of Port Colborne staff, it was recognized by the City that the quarry intended to extract this area. Due to this, the City has decided to proceed with the realignment through the updated report, accommodating a future extraction area and ensuring drainage from the north is maintained. The City would like to note that the drain does not require realignment for any other purpose other than future quarrying operations. The relocation has been proposed at the sole benefit of PCQ.

3. It is noted on drawing 3 of 9 the limit of extraction is to be 15m west of the property boundary. On Drawing 4 of 9 there is a detail showing the location of the drain in proximity to the property boundary and proposed berm, Detail 3. The Wignell drain is shown as a V drain and provides no room for a working space. The proposed design shows the drain at a 3.8m top of bank width. The working space is 10m allowance from the top of bank. To ensure there is enough space for the drain, the City is requesting a minimum of 15m from the property line to the toe of the berm. This minimum distance will be required for the entirety of the eastern limit and will also be required for the north boundary for 125m. This setback has been discussed between the City and PCQ. Although it may be industry standard to work along the top of a berm for a quarry operation, municipal drain policies require an increased working area. We are willing to work with PCQ to minimize the setback if possible, however a full reduction to the extent of what is currently proposed will not be possible.
4. For the expansion of the quarry on the eastern limit to Miller Road (dogleg), there currently are no City-led plans to relocate the drain. The City will require the same as above, or the City is willing to accept alternatives for the draining of this location. If PCQ is willing to have discussions with our appointed Engineer, perhaps other arrangements can be made.
5. For the trees in the working corridor as shown on drawing 3 of 9, please show the proposed spacing and separation. The City is accepting to having trees to work around, however please be mindful that limited obstacles are preferred due to the size of maintenance equipment and the turning radius required.

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via E-Mail Only

June 12, 2023

File No.: D.13.07.ROPA-21-0001
D.10.07.OPA-21-0016
D.18.07.ZA-21-0028

David Sisco, BA, MCIP, RPP
Senior Planner, Arcadis Professional Services (Canada) Inc.
101-410 Albert Street
Waterloo, ON N2L 3V3

Dear Mr. Sisco:

Re: 3rd Comment Letter from Joint Agency Review Team (JART)

**Regional Official Plan Amendment 20
Local Official Plan Amendment D09-02-21
Zoning By-law Amendment D14-09-21
Owner/Applicant: Port Colborne Quarries Inc.
Agent: David Sisco c/o Arcadis Professional Services
Address/Location: Part Lot 17, 18, 19, Concession 2 (formerly Township of
Humberstone) and Plan 59R-16702
City of Port Colborne**

Members of the Joint Agency Review Team (JART), Aggregate Advisor, and the peer review consultants retained by the JART have reviewed the information submitted in response to the JART comments issued on July 4, 2022. (i.e. 3rd submission of technical material).

The review of the 3rd submission has been an iterative process with several submission and resubmissions; partial comments from JART provided by e-mail; phone calls, technical and other meetings; and numerous iterations of the ARA Site Plan drawings. A list of all documents reviewed by the JART as part of the 3rd submission (and subsequent responses and resubmissions) is included as **Appendix A**.

The second JART comment letter (July 4, 2022) provided a detailed review of all land use planning issues and all comments, both those that had been addressed and those that we still outstanding. As significant correspondence and communication has

occurred between JART and the applicant towards the resolution of outstanding technical issues since the 3rd submission (October 4, 2022), the purpose of this letter is to provide only the technical comments that are still outstanding, which are focused in three main areas:

- A. Humberstone Speedway Lands and Sequencing of Pre-Extraction Activities
- B. Outstanding Comments on Site Plan Drawings
- C. Hydrological Assessment and Wetland Monitoring and Mitigation

A more fulsome overview of the application submitted, review process undertaken, technical analysis completed, and public and stakeholder consultation program will be included as part of the JART Report and Staff Reports to City and Regional Council.

A. Humberstone Speedway Lands and Sequencing of Pre-Extraction Activities

The JART continues to have concerns with the proposed plan for further soil investigations and the timing for remediation/clean-up of the Humberstone Speedway lands.

It is recognized that the most recent (May 9, 2023) version of the ARA Site Plan drawings includes a note (#33 on sheet 4 of 10) which states that extraction will not occur past the former Carl Road right-of-way until such time that all investigations and remediation has occurred on the Humberstone Speedway lands, and that the former Carl Road right-of-way is noted on sheet 3 of 10 with a reference to note #33.

However, it is unclear how this condition can fit into the overall sequencing of pre-extraction activities on the site. For example note c) ii) under Phase 1A on sheet 6 of 10 requires that all berms be constructed on the site prior to any extraction taking place. Based on our review of sheets 2 and 3 of 10, berms will be required on and in close proximity to the Humberstone Speedway lands. It would seem that soil investigations and remediation/clean-up would need to occur first, followed by berm construction, before any extraction could occur on any the Phase 3 extension lands.

Related to this is the identification of areas of archaeological potential on the site, and the requirement for a 70m buffer and a fence. The site plan notes under archaeological assessments (sheet 4 of 10) require a stage 3 (and potentially stage 4) archaeological assessment to be completed for the identified areas of archaeological potential prior to any disturbance occurring (including in the 70m buffer area). It is understood that this would include the construction of berms. Based on our review of sheet 3 of 10 there are several locations where berm construction overlaps areas of archaeological potential and/or their 70m buffers.

Therefore, in consideration of the above, it is our understanding that the sequencing of events would need to be as follows (for the discussed activities):

- 1) Completion of Stage 3 (and possibly Stage 4) archaeological assessments (at a minimum for the areas impacted by berm construction). Others areas of potential could be fenced off at the 70m buffer as per the requirements of the archaeological assessments completed to date;
- 2) Additional investigations and remediation/clean-up of the Humberstone Speedway lands in accordance with the requirements of the Phase 1 Environmental Site Assessment and Conceptual Soil Management Plan;
- 3) Berm construction as per the existing design details; and
- 4) Commencement of extraction of Phase 1A of the Phase 3 extension lands.

It is recommended that PCQ carefully consider the above and make the appropriate adjustments to the Site Plan drawings and notes, with a full review of the proposed sequencing of extraction for each of the phases on sheets 6 and 7 of 10.

B. Outstanding Comments on Site Plan Drawings

The JART has reviewed the ARA Site Plan drawings and provide the following comments which should be addressed:

Sheet 2 of 10

1. There is a table above the 'sources used for the preparation of the site plans' called 'significant woodland table'. This table needs to be updated to correctly distinguish between wetlands and woodlands. This is a critical items as it is important to ensure the correct identification as woodlands, significant woodlands, wetlands, and provincially significant wetlands. Each of these feature types has a different set of polices and level of protection associated with them.

Sheet 3 of 10

2. It is recommended that the provincially significant wetland and significant wetland be labelled on this drawing, alternatively, the symbology used to identify these features could be added to the legend.

Sheet 4 of 10

3. General Operation - Note 3b) - there is a discrepancy between the number of trucks listed for the staging area (10) versus the text on sheet 3 of 10, which states 11 – it is recommended that this should be revised for consistency.

4. General Operation - Note 5b) - the wording of this condition is slightly awkward – please review and at a minimum remove the word "prior" for greater clarity
5. General Operation Note 28 - Extraction area should be revised from 71.1 ha to 68.7 ha to align with the values elsewhere on the drawings.

Sheet 5 of 10

6. Natural Environment - Note 7 i) and ii) – please review these notes and change the 'may be' to 'shall be', in addition, at the end of ii) there is a recommendation that should be changed to a condition which can be implemented.
7. Water Level Monitoring - Note 11 - MN DMNRF should be MNRF

Sheet 6 of 10

8. As noted above on the detailed comments on the Humberstone Speedway lands and sequencing of pre-extraction activities – please review the sequencing of extraction on each phase shown on sheet 6 of 10 to ensure that order of events is correct and that all pre-extraction activities are appropriately noted.

Sheet 7 of 10

9. As noted above on the detailed comments on the Humberstone Speedway lands and sequencing of pre-extraction activities – please review the sequencing of extraction on each phase shown on sheet 7 of 10 to ensure that order of events is correct and that all pre-extraction activities are appropriately noted.
10. Note a) under Phase 1-X on sheet 7 of 10 reads *"The City of Port Colborne is actively (Dec. 2022) undertaking a review of the Wignell Drain under the Provincial Drainage Act. This includes both a a) permanent relocation south of Second Concession Road involving Phase 2 and 3, to be completed by the City and b) a temporary realignment to be undertaken by the Licencee within the eastern tab of Phase 1, followed by extraction, backfilling, and ultimate relocation of the Wignell Drain to its original location..."*

It is the understanding of the JART that the process currently underway through the Drainage Act is for the relocation of the Wignell Drain south of Second Concession Road as referenced in "a)" above. The portion of the required realignment referenced in "b)" above is not part of the Drainage Act report that is currently being prepared for consideration by City of Port Colborne Council. It is understood that this portion of the proposed realignment has been deferred until a later date and a second process and report under the Drainage Act will be required.

For clarity Note a) under Phase 1-X, and elsewhere as appropriate, should be updated to reflect that a second process under the Drainage Act will be required for the temporary and ultimate realignment of the Wignell Drain in the eastern tab, and that extraction of Phase 1-X shall not occur until that process is complete.

All Drawings

11. Please ensure that on the next iteration of the Site Plan drawings the 'revision blocks' and 'signature block' are updated with the current/correct date. Region and City planning staff need a mechanism to ensure that the most recent and correct version of the site plan drawings are being referenced as part of any report and/or correspondence with the Province.

C. Hydrological Assessment and Wetland Monitoring and Mitigation

The JART and the peer review consultant (Matrix Solutions Inc.) have reviewed the following:

- Addendum to the Hydrological Assessments in Support of Aggregate Resources Act Applications for the Port Colborne Proposed Pit 3 Extension, prepared by WSP (dated April 12, 2023),
- Recommended Monitoring and Mitigation for Northeast Woodlot, prepared by WSP (dated April 12, 2023),
- Updated ARA Site Plan drawings, prepared by IBI, various dates (submitted May 9, 2023).

These documents were provided to address remaining comments that were not fully addressed in the August 25, 2022 Surface Water Comment Table and the Addendum to the Hydrologic Assessment (dated December 5, 2022). A technical meeting was held on January 17, 2023 including Matrix, members of the JART, PCQ, and Water Resource Engineers from Golder/WSP to discuss potential solutions to the outstanding issues. The following comments on the submitted material is provided:

Addendum to the Hydrological Assessments in Support of Aggregate Resources Act Applications for the Port Colborne Proposed Pit 3 Extension

1. Monitoring – Thank you for providing additional detail with regard to the logger malfunction during low water levels, as well as the assurance that it properly responded to larger precipitation events. The additional surface water monitoring locations (SW3 and SW4) in the northwest wooded swamp will assist in understanding the hydrologic regime within the feature. No further concerns.

2. Infiltration Testing – To confirm the parameters utilized in the water balance calculations, WSP completed in-field infiltration testing at two locations at the study site. The testing yielded infiltration rate estimates of 50 mm/hr, which approximately aligns with the values originally used from soils characterized as “fine sandy loam”. However, it remains confusing why the soils would be characterized as a fine sandy loam, when the surficial geology mapping indicates surficial units to be “glaciolacustrine massive-well laminated clay and silt deposits”. While it does not appear to materially affect the primary outcome, the authors may wish to address this dichotomy to reduce potential confusion. Is there a sand veneer overlying the less permeable clay/silt deposits?
3. Water Balance Parameters – No further concerns.
4. Water Balance Results – The original comments had identified two main concerns with the water balance calculations presented that do not appear to have been addressed:
 - a. The original water balance summary of the quarry footprint did not include lateral inflows and seepage. The revised water balance summary included in the memorandum (Table 2) includes groundwater seepage into the quarry under the operational condition. However, the existing condition water budget does not include lateral overland flows into the quarry footprint. As water flows overland through and exits SWD3-2, it enters the proposed quarry footprint near FOD7-2. Understanding the volume and timing of this outflow from SWD3-2 under existing conditions can be critical to understand potential impacts to the SWD3-2 under the proposed condition (and drain realignment).
 - b. Will a water budget be provided for the wooded wetland (SWD3-2)?
5. Impact Assessment:
 - a. Thank you for providing additional detail on the likely split of dewatering discharge between the East and West Wignell Drain as well as the information on the DEM's used. No further concerns.
 - b. The last paragraph of this section begins “Overall, adverse effects on surface water resources and the east branch of the Wignell Drain are not expected”. Until additional studies are complete (which are outlined in the memorandum in question), this statement cannot be justified. As has been previously commented on, we agree that peak flows should not increase due to the quarry expansion; however, there will be significant modifications to the flow regime, particularly in the low to mid-range flows. These alterations could result in channel erosion or aggregation, leading

to adverse effects. Please strike the sentence in question until the requisite studies are complete.

6. Regulatory Requirements – No further concerns

Recommended Monitoring and Mitigation for Northeast Woodlot and Updated ARA Site Plan Drawings

1. Agree that the proposed mitigation measure will be able to introduce water into SWD3-2; however, to do so will require active management. How will the proposed structure be operated under post-extraction conditions? Who will maintain this structure post-extraction?
2. The proposed approach assumes that the primary impact that requires mitigation is low water conditions within SWD3-2. How will the applicant mitigate possible flooding of the wetland and associated negative impacts to the vegetation communities? How will excess water be removed from SWD3-2?
3. At what frequency will the monitoring network within SWD3-2 be reassessed and modified if impacts to vegetation communities are detected? How frequently will vegetation assessments be completed to understand if the proposed mitigation measure is sufficient and successful?
4. Sheet 5 of 10. Significant Wetland Area – Water Level Monitoring and Mitigation. Note 10. “If the investigation shows that quarry activity, **or the realignment of Wignell Drain**, was a contributing cause of the low water levels in the wetland...”. Please include the bolded text to ensure that either cause (quarry activity or drain realignment) would be sufficient to trigger mitigation measures.
5. Sheet 5 of 10. Significant Wetland Area – Water Level Monitoring and Mitigation. Note 11. “Mitigation will continue until; the water levels return to the normal range unless the investigation identifies a cause other than the quarry **or drain realignment** that is primarily responsible for the trigger exceedance.”. Similar to above comment, please include the bolded text in the final note to ensure that impacts caused by the drain realignment are mitigated as well as quarry operations.

Conclusion

Although a majority of the technical issues have been addressed through the iterative 3rd submission process – there are still some outstanding concerns with the technical material submitted.

Region and City staff cannot confirm that the proposed amendments are consistent with the Provincial Policy Statement and conform with Provincial Plans and the intent of Regional Official Plan and Local Official Plan.

Revisions and clarifications to the technical materials and ARA Site Plan Drawings are required to address the items outlined in this letter prior to JART Report being finalized and before City and Region staff can bring recommendations on the proposed amendments to the respective Councils.

Kind regards,



Sean Norman, PMP, MCIP, RPP
Senior Planner

Copy: Michelle Sergi, MCIP, RPP, Commissioner, Growth Planning and Economic Development, Niagara Region
Angela Stea, MCIP, RPP, Director, Community and Long Range Planning, Niagara Region
Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Erik Acs, MCIP, RPP, Manager, Community Planning, Niagara Region
David Schulz, MCIP, RPP, Senior Planner, City of Port Colborne
Denise Landry, MCIP, RPP, Chief Planner, City of Port Colborne
David Deluce, MCIP, RPP, Senior Manager, Niagara Peninsula Conservation Authority
ARAApprovals@ontario.ca

Appendix A – List of Materials Review as Part of 3rd Submission and Subsequent Iterative Resubmissions

3rd Submission	
Item	Date Submitted
<ul style="list-style-type: none"> 3rd Submission Covering Letter and Updates to Planning Justification Report, prepared by IBI (dated October 4, 2022) 	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
<ul style="list-style-type: none"> Revised Site Plan Drawings, prepared by IBI (various dates) 	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
<ul style="list-style-type: none"> Revised Site Plan Notes (with changes highlighted), prepared by IBI Group (dated October 3, 2022) 	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
<ul style="list-style-type: none"> Updated Financial Impact Assessment and Economic Benefits Analysis, prepared by IBI Group (dated June 20, 2022) 	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
<ul style="list-style-type: none"> Hydrology/Surface Water Comment Table, prepared by WSP/Golder (dated August 25, 2022) 	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
<ul style="list-style-type: none"> Additional Response to Updated Peer Review Hydrogeological/Groundwater Study, Port Colborne Quarries Pit 3 Extension – Technical Memorandum, prepared by Golder (dated August 18, 2022) 	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
<ul style="list-style-type: none"> Response to JART Comments on the Natural Environment Level 1 & 2 Report - Technical Memorandum, prepared by WSP/Golder (dated August 31, 2022) 	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
<ul style="list-style-type: none"> Revised Figure 5 for the Comprehensive Rehabilitation Plan, prepared by IBI Group (dated August 29, 2022) 	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
<ul style="list-style-type: none"> Copy of the IBI Group E-mail dated May 30, 2022 addressing traffic related concerns & Updated Traffic Impact Study, prepared by IBI Group 	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)

<ul style="list-style-type: none"> Updated Memo to Paul Marsh re: Wignell Drain Realignment, prepared by IBI Group (dated October 3, 2022) 	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
<ul style="list-style-type: none"> Air Quality Study Response E-mail (dated August 22, 2022) 	<ul style="list-style-type: none"> October 5, 2022
<ul style="list-style-type: none"> Technical Memorandum – Response to JART – Request for Supplemental Information Related to the Noise Impact Assessment (dated December 3, 2021) 	<ul style="list-style-type: none"> October 5, 2022
<ul style="list-style-type: none"> Response to JART Letter – Air Quality Impact Assessment, prepared by Golder (dated December 10, 2021) 	<ul style="list-style-type: none"> October 20, 2022
<ul style="list-style-type: none"> Addendum to the Hydrological Assessments, prepared by WSP/Golder (dated December 5, 2022) 	<ul style="list-style-type: none"> December 5, 2022
<ul style="list-style-type: none"> Response to MNRF Comments on the Natural Environment Report, prepared by WSP/Golder (dated December 6, 2022) 	<ul style="list-style-type: none"> December 8, 2022
<ul style="list-style-type: none"> Technical Memorandum documenting 2022 Natural Environment Surveys, prepared by WSP/Golder (dated December 16, 2022) 	<ul style="list-style-type: none"> December 19, 2022
<ul style="list-style-type: none"> Response to Terra Dynamics (Groundwater) Peer Review Comments of October 26, 2022, prepared by WSP (dated February 15, 2023) 	<ul style="list-style-type: none"> February 15, 2023
<ul style="list-style-type: none"> Response to Englobe Corp. Information Request Related to the Noise Assessment Completed for the Port Colborne Quarries Inc Pit 3 Extension, Received on October 28, 2022, prepared by WSP (dated February 2023) 	<ul style="list-style-type: none"> February 17, 2023
<ul style="list-style-type: none"> Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] 	<ul style="list-style-type: none"> December 8, 2022
<ul style="list-style-type: none"> Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] 	<ul style="list-style-type: none"> January 19, 2023
<ul style="list-style-type: none"> Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] 	<ul style="list-style-type: none"> January 23, 2023

<ul style="list-style-type: none"> Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] 	<ul style="list-style-type: none"> March 1, 2023
<ul style="list-style-type: none"> Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] 	<ul style="list-style-type: none"> April 5, 2023
<ul style="list-style-type: none"> Dougan & Associates Peer Review – Response to Final Comments and Recommendations Received February 3, 2023, prepared by WSP/Golder (dated April 13, 2023) 	<ul style="list-style-type: none"> April 14, 2023
<ul style="list-style-type: none"> Addendum to the Hydrological Assessments, prepared by WSP (dated April 12, 2023) 	<ul style="list-style-type: none"> April 14, 2023
<ul style="list-style-type: none"> Recommended Monitoring and Mitigation for the Northeast Woodlot, prepared by WSP (dated April 12, 2023) 	<ul style="list-style-type: none"> April 14, 2023
<ul style="list-style-type: none"> Response to MNRF Comments on Natural Environment Level 1 & 2 Report and Addenda, prepared by WSP (dated April 14, 2023) 	<ul style="list-style-type: none"> May 9, 2023
<ul style="list-style-type: none"> Letter to S. Norman – Updated ARA Site Plans Cover Letter and Response to Several Outstanding Items, prepared by IBI/Arcadis (dated May 9, 2023) 	<ul style="list-style-type: none"> May 9, 2023
<ul style="list-style-type: none"> Revised Site Plan Drawings (Sheets 1-10), prepared by IBI (various dates) [Full resubmission] 	<ul style="list-style-type: none"> May 9, 2023
<ul style="list-style-type: none"> Memo re: Response to Statutory Public Meeting Comments, prepared by IBI/Arcadis (dated May 17, 2023) 	<ul style="list-style-type: none"> May 17, 2023

Appendix C

Staff Reports to City and Regional Council

- Appendix C1 – Niagara Region Report (CWCD 166-2020)
- Appendix C2 – City of Port Colborne Report (2020-93)
- Appendix C3 – City of Port Colborne Report (2020-118)
- Appendix C4 – NPCA Report (FA-62-20)
- Appendix C5 – Niagara Region Report (CWCD 2021-87)
- Appendix C6 – Niagara Region Report (PDS 35-2021)
- Appendix C7 – City of Port Colborne Report (2023-42)
- Appendix C8 – Niagara Region Report (PDS 5-2023)

MEMORANDUM

CWCD 166-2020

Subject: Proposed Pit 3 Extension – Port Colborne Quarries

Date: June 19, 2020

To: Regional Council

From: Sean Norman, Senior Planner

Overview

Port Colborne Quarries Inc (PCQ) has expressed an interest in expanding their Pit 3 quarry in the City of Port Colborne. The proposed expansion would be on lands immediately to the east and southeast of the existing Pit 3 between 2nd Concession and Highway 3. The exact proposed limits of extraction would be finalized through the application process.

Applications Required

PCQ is currently in the pre-consultation process with Niagara Region, the City of Port Colborne, and the Niagara Peninsula Conservation Authority (NPCA) to amend the Regional Official Plan, the City of Port Colborne Official Plan, and the City of Port Colborne Zoning By-Law. Complete applications as per the Planning Act are expected prior to the end of 2020.

In addition, PCQ will be submitting an application for a Class A – Category 2 License under the Aggregate Resource Act (ARA) separately to the Province. Prior to the final approval of the provincial ARA license, the appropriate municipal land use approvals must be in place.

Various studies will be needed to address Provincial, Regional, City, and NPCA concerns, including but not limited to: planning and land use; air quality, noise, blasting, and vibration; natural environment; water resources (surface and groundwater); archaeological and culture; agriculture; transportation; and social and economic impact. All these studies will be required as part of a complete application. Peer reviewers will be retained to support the technical review of many of the studies.

Following applications being made there would be a formal public and stakeholder consultation process.

JART Process

To coordinate the technical review of the applications - a Joint Agency Review Team (JART) has been formed. The JART is a team of planning staff from the Region, the City, and the NPCA. The purpose of JART is to have a sharing of information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. Staff from interested provincial ministries would be engaged through the JART process as well.

The JART does not make a recommendation on the application, rather the JART works to:

- ensure that the required range of studies and work is completed by the applicant;
- ensure that the studies are sufficient in terms of their technical content;
- review of the studies and work of the applicant either by technical staff or by peer reviewers;
- ensure a coordinated public and stakeholder consultation and engagement process; and
- prepare a technical JART report on the application once all reviews are complete.

The JART report is then used independently by staff at each agency as the technical basis to develop a recommendation report, which is then considered by the decision-makers at each individual agency.

If you require additional information or receive any inquiries related to the project please contact Sean Norman (sean.norman@niagararegion.ca)

Respectfully submitted and signed by:

Sean Norman, PMP, MCIP, RPP
Senior Planner



Planning and Development Department

Report Number: 2020-93

Date: July 27, 2020

SUBJECT: Joint Agency Review Team – Memorandum of Understanding – Port Colborne Quarries Proposed Pit 3 Expansion

1) PURPOSE:

The purpose of this report is to provide information to Council regarding the Joint Agency Review Team (“JART”) process and to recommend the City of Port Colborne’s commitment to the Memorandum of Understanding (“MOU”).

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Port Colborne Quarries Inc. (“PCQ”) has proposed an expansion to their existing Pit 3 extraction site in the City of Port Colborne (“City”). The existing quarry operation currently exists on the east side of Port Colborne and is made up of three existing pits. Pit 1, which is the pit situated furthest to the west, was established and fully extracted prior to the *Pits and Quarries Control Act*. Pit 2, which is the centre pit to the east of Pit 1, is a licensed quarry that is fully extracted and used only for internal processing routes. Pit 3, which is the eastern pit, is fully licensed and remains active, however it is estimated that the quarry only has 10 active years of extraction remaining (Appendix A).

A formal application has not yet been received, however the City has met with the Applicant, as well as the Niagara Region (“Region”) and Niagara Peninsula Conservation Authority (“NPCA”), over the last few months to determine the requirements of a complete application.

Through the consultation process, the following land use approval applications were discussed:

- **Ministry of Natural Resources and Forestry:** Category 2 (quarry below water) Class A Licence;
- **Regional Municipality of Niagara:** Official Plan Amendment to re-designate the lands from Good General Agriculture Area to Licensed Pits and Quarries on Schedule D4;
- **City of Port Colborne:** Official Plan Amendment to re-designate the lands from Agricultural to Mineral Aggregate Operation;
- **City of Port Colborne:** Zoning By-law Amendment from By-law 6575/30/18 to

re-zone the lands from the A – Agricultural zone to the MAO – Mineral Aggregate Operation zone.

Along with an overview of the technical studies that the Applicant will be required to submit, the Region provided a presentation to the Applicant, City and NPCA regarding the JART process. The JART is a team of professional staff from the public agencies responsible for coordinating the technical review of matters related to the processing of a mineral aggregate operation application. The process has been successful for the Niagara Region and municipalities in the Region that have been involved in applications of this nature.

The purpose of JART is to have a sharing of information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. The JART does not make a recommendation on the application, rather the JART works to:

- Ensure that the required range of studies and work is completed by the applicant.
- Ensure that the studies are sufficient in terms of their technical content.
- Review the studies and work of the applicant either by technical staff or by peer reviewers.
- Ensure a coordinated public and stakeholder consultation and engagement process.
- Prepare a technical JART report on the application once all reviews are complete.

The report is then used independently by staff at each agency as the technical basis to develop a recommendation report, which is then considered by the decision-makers at each individual agency.

In anticipation of an application, a JART has been formed consisting of staff from the Niagara Region, City of Port Colborne and the Niagara Peninsula Conservation Authority. An Aggregate Advisor will assist the JART, however they will not be included as a formal member.

3) STAFF COMMENTS AND DISCUSSIONS

As previously mentioned, City Planning staff have met with the Region and NPCA as well as PCQ and their consultants. An overview of the JART process was presented to all parties and it was generally agreed upon that this was the direction to proceed in. Staff are of the opinion that the JART will not only create efficiencies for the application process, but also efficiencies for staff time and resources.

The JART MOU has already been signed by the applicant who is eager to have all documents in order so the submission of an application is not delayed. The full JART MOU is attached to this report as Appendix B.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

Doing nothing is not recommended as it will delay and/or prevent the JART from forming and moving forward efficiently.

b) Other Options

Although not recommended, Council can choose to refuse the signing of the JART MOU which will leave the City without the shared resources and advice from the Aggregate Advisor.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

Appendix A – Extent of the Proposed Pit 3 Expansion

Appendix B – Joint Agency Review Team – Memorandum of Understanding

7) RECOMMENDATION

That Planning and Development Department Report 2020-93, Subject: Joint Agency Review Team – Memorandum of Understanding – Port Colborne Quarries Proposed Pit 3 Expansion be received for information; and

That the Mayor and City Clerk be authorized to sign the Joint Agency Review Team Memorandum of Understanding.

8) SIGNATURES

Prepared on July 10, 2020 by:



David Schulz, BURPI
Planner

Reviewed and Respectfully Submitted:

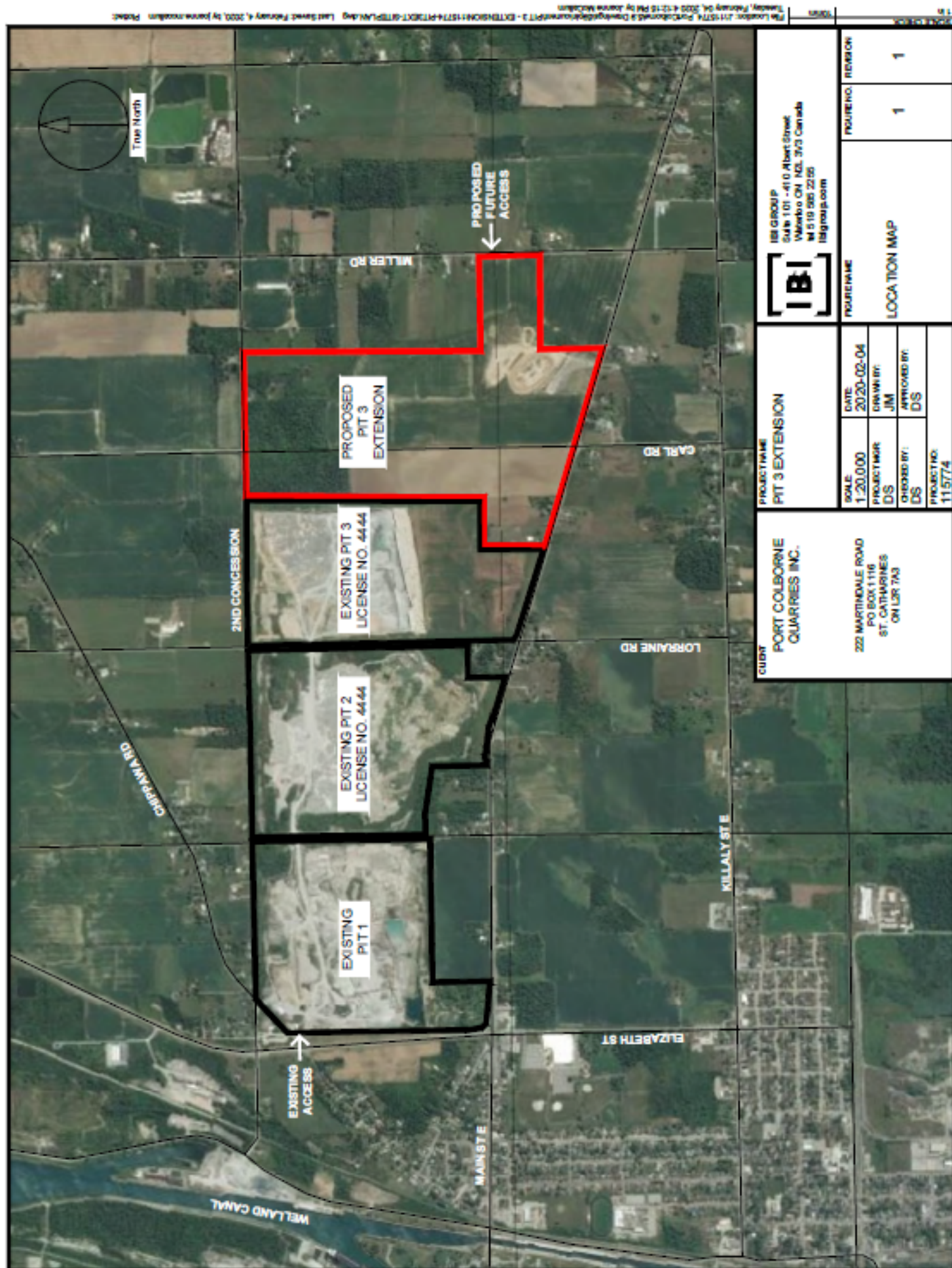


Scott Luey
Chief Administrative Officer

Reviewed and Respectfully Submitted:



Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development



IBI IBI GROUP Suite 101 - 410 Albert Street Waterloo ON N2L 3A3 Canada Tel: 519 265 2220 ibigroups.com		FIGURE NO.	1	REVISION	1
PROJECT NAME PIT 3 EXTENSION		FIGURE NAME LOCATION MAP			
CLIENT PORT COLBORNE QUARRIES INC.		SCALE	1:20,000	DATE	2020-02-04
222 MARITIME ROAD PO BOX 1116 ST. CATHARINES ON L3R 7A3		PROJECTOR	DS	DRAWN BY:	JIM
		CHECKED BY:	DS	APPROVED BY:	DS
		PROJECT NO: 115774			

MEMORANDUM OF UNDERSTANDING

Between:

PORT COLBORNE QUARRIES INC.

("PCQ")

- and -

THE REGIONAL MUNICIPALITY OF NIAGARA

("Region")

- and -

THE CITY OF PORT COLBORNE

("Port Colborne" or "City")

- and -

THE NIAGARA PENINSULA CONSERVATION AUTHORITY

("NPCA")

WHEREAS PCQ intends to submit an application (the "application") for the 'Extension of Pit 3' on lands situated within the City of Port Colborne located in the Niagara Region;

AND WHEREAS *Planning Act* approvals are required at the City and Regional level through City and Regional Official Plan amendments and a City Zoning By-law amendment;

AND WHEREAS an *Aggregate Resources Act* approval is required for a Category 2 license at the Provincial level including site plan approval as required under the *Aggregate Resource Act*;

AND WHEREAS the *Planning Act* and *Aggregate Resources Act* approval and licensing processes provide for or require analysis and input from interested stakeholders, including without limitation the Region, City of Port Colborne, and the NPCA;

AND WHEREAS to facilitate and expedite that analysis and input and to provide same in an open and transparent manner, the Region, City, and the NPCA have committed to proceeding using the Joint Agency Review Team ("JART"), generally on the terms outlined herein;

NOW THEREFORE the parties agree to work together in the following manner:

General

1. The purpose of this Memorandum of Understanding ("MOU") is to establish the parties' commitment to the Joint Agency Review Team ("JART") process and to working through the resultant decision-making process in a respectful, efficient and methodical way. Additionally, the parties intend through this process to outline the process, terms of reference, scope, and other particulars of other matters that will be required throughout the application process.

Principles

2. For the purposes of this MOU, the parties acknowledge and agree to the following principles:
 - (a) PCQ operates an existing quarry operation adjacent (to the west) to the location of the proposed extension of Pit 3.
 - (b) The City and Regional Official Plans identify this area as a potential aggregate resource area as per the information provided in the Aggregate Resource Papers that were developed by the Ministry of Natural Resources and Forestry.
 - (c) As part of the approval and licensing process, a technical review of PCQ's application is required.
 - (d) It is in the parties' mutual interest that the technical review be conducted in an efficient, cost-effective, and transparent manner and include consultation with the public and any interested stakeholders.
 - (e) The JART process has been established as a best practice for the review of aggregate applications in Niagara and in other municipalities.

JART Process

3. The JART process is the establishment of a team of professional staff from interested public agencies who are responsible for coordinating the technical review of all matters related to a mineral aggregate operation application. The purpose of JART is to have a sharing of information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. The JART does not make a recommendation on the application, rather the JART works to:
 - Ensure that the required range of studies and work is completed by the applicant
 - Ensure that the studies are sufficient in terms of their technical content
 - Ensure review of the studies and work of the applicant either by technical staff or by peer reviewers
 - Ensure a coordinated public and stakeholder consultation and engagement process
 - Prepare a technical JART report on the application once all reviews are complete

For additional information on the Niagara JART process, please refer to Niagara Region Report - ICP 85-2013 '*Streamlined Review of Mineral Aggregate Applications Process*'

JART Membership

4. The JART will be comprised of planning and other staff from the Region, City, and NPCA. Once retained, an Aggregate Advisor will provide expertise and support to the JART. Additionally, where appropriate:
 - The JART may invite PCQ's staff, consultants, or advisors to participate in meetings and/or the technical review - to facilitate JART's understanding of the application and to resolve technical questions as efficiently as possible.
 - The JART may invite Provincial staff to participate in meetings and/or the technical review - to facilitate JART's understanding of the application and/or or the *Aggregate Resources Act*

application process and/or other Provincial Legislation, Regulations, or Guidelines as required.

Aggregate Advisor

5. Niagara Region on behalf of the JART will retain an Aggregate Advisor to provide technical expertise and to assist in coordinating the review of the applications. The Aggregate Advisor will be qualified as a Registered Professional Planner with experience in aggregate planning and license applications and/or have substantial professional experience reviewing aggregate planning and license applications. The Aggregate Advisor will work with and support the JART throughout the length of the process. The Aggregate Advisor will very actively participate in the JART process, but will not be a formal member.

Peer Reviewers

6. Niagara Region on behalf of the JART will retain third party consultants appropriately qualified to peer review certain technical studies and to provide advice and recommendations on specific topics. It is to be acknowledged that PCQ is not entitled to make final determinations or decisions as to the selection of the third party consultants or the scope of their engagement. PCQ may object to the retainer of a third party consultant only on the basis of a conflict of interest.

Public and Stakeholder Consultation and Engagement

7. Public, stakeholder, agency, and Indigenous consultation and engagement is required under the *Planning Act* and the *Aggregate Resources Act* as part of the applications. The JART and PCQ will work together to plan and coordinate the consultation and engagement program and to provide an open and transparent process. Where ever possible, the public process for the *Planning Act* and *Aggregate Resources Act* approvals will be jointly notified and held.

Facilitator

8. The JART, through discussions with PCQ, may determine that a facilitator is required to assist with the public or other sessions. The scope of work for such a facilitator would be determined through coordination by the JART and authorized by PCQ.

JART Decision-Making

9. The JART does not have decision-making authority and the JART does not make a recommendation on the applications. The JART report is used independently by staff at each agency as the technical basis to develop a recommendation report, which is then considered by the decision-makers at each individual agency.

Financial Commitments

10. PCQ has agreed to assume responsibility for the costs of any consultants retained by the Region for the purposes of advancing the applications, in accordance with a separate Cost Acknowledgement Agreement.

No Referral to Local Planning Appeal Tribunal (LPAT)

11. At the beginning of the process, the parties will agree to a timetable for the completion of the protocol. The parties hereto agree that, for so long as the JART protocol is proceeding according to the timetable, no resort, referral or appeal to the LPAT by PCQ will be made in respect, without limitation, of the failure by either the City or the Region to make a decision with respect to the applications or for any other reason related to or arising from the application review process. The timetable may be subject to modification upon mutual agreement by all parties. In any case, the agreement not to resort, refer or appeal to the LPAT ends if any party exercises its right to terminate the MOU as set out in Item 12 below.

Without Prejudice & Termination

12. Any party shall have the right to terminate the MOU by giving three months' written notice in writing to the other parties at any time. If the MOU is terminated by any party, steps shall be taken to ensure that the termination does not affect any prior obligation, project or activity already in progress.
13. The Region shall have the right to suspend or terminate on ten days written notice to the other parties, Niagara Region's participation in the JART process and their obligations pursuant to this MOU, in the event of the suspension or termination of Niagara Region's Cost Acknowledgement Agreement with PCQ described in section 10 of this MOU. The Parties agree that the continuation of this MOU is dependent upon the continued funding provided by PCQ pursuant to its Cost Acknowledgement Agreement with Niagara Region.

Dated at the Regional Municipality of Niagara this ____ day of _____, 2020.

PORT COLBORNE QUARRIES INC.

Per: _____
Name:
Title:
I have authority to bind the Corporation.

THE REGIONAL MUNICIPALITY OF NIAGARA

Per: _____
Name:
Title:
I have authority to bind the Corporation.

THE CITY OF PORT COLBORNE

Per: _____
Name:
Title:
I have authority to bind the Corporation.

**THE NIAGARA PENINSULA CONSERVATION
AUTHORITY**

Per: _____
Name:
Title:
I have authority to bind the Corporation.



**Planning and Development Department
Planning Division**

Report Number: 2020-118

Date: September 28, 2020

SUBJECT: Joint Agency Review Team Public Liaison Committee (JARTPLC)

1) PURPOSE:

The purpose of the report is to consider the establishment of a Joint Agency Review Team Public Liaison Committee (JARTPLC).

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

On July 27, 2020, Council approved Planning and Development Report 2020-93, Joint Agency Review Team – Memorandum of Understanding – Port Colborne Quarries Proposed Quarry Application.

This approval authorized the signing of the Joint Agency Review Team Memorandum of Understanding;

Council also directed “that the Director of Planning and Development prepare and bring forward a report to Council regarding the creation of a Planning Committee.”

3) STAFF COMMENTS AND DISCUSSIONS

Staff is proposing a Joint Agency Review Team Public Liaison Committee (JARTPLC) terms of reference that will outline the role of the committee and operational matters.

Staff is proposing that the JARTPLC operate on the following terms:

1. The purpose of the JARTPLC is to provide public overview with respect to the Joint Agency Review Team (“JART”) process for applications to be submitted by Port Colborne Quarries (PCQ) to amend the Official Plan and Zoning By-law. 6575/30/18.
2. Staff from the Planning and Development Department will provide updates on the JART to the JARTPLC.
3. Up to five (5) members of the public will be members of the JARTPLC.
4. All members of the JARTPLC shall serve without remuneration.
5. All meetings of the JARTPLC shall be open to the public and no person shall be excluded therefrom except for improper conduct or except matters identified in Section 239(2) of the Municipal Act, 2001, S.O. 2001, c. 25.
6. That the JARTPLC shall elect a Chair, or in his/her absence the Vice-Chair.
7. A quorum of the JARTPLC shall consist of a majority of sitting members.
8. Meetings will be scheduled within 3 weeks subsequent to a JART meeting.

9. City staff will provide administrative functions (e.g. minute taking) and scheduling meetings in City Hall.
10. The JARTPLC will provide Council with their comments on applications for amendments to the Official Plan and Zoning By-law 6575/30/18 once processed.
11. The JARTPLC will terminate at the conclusion of the JART and Council's future consideration of Official Plan and Zoning By-law 6575/30/18 amendment applications.

Staff will publically advertise for committee participation and a subsequent report will approve the JARTPLC members.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

Costs for newspaper notification will be covered by the Planning Division's advertising budget line.

a) Do nothing

Not applicable.

b) Other Options

Council can edit the proposed Terms of Reference for the JARTPLC.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

Appendix A - Terms of Reference for the JARTPLC

7) RECOMMENDATION

That Council approve the Terms of Reference for the Joint Agency Review Team Public Liaison Committee (JARTPLC) attached hereto as Appendix A.

8) SIGNATURES

Prepared on September 16, 2020 by:



Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Establish a Joint Agency Review Team
Public Liaison Committee

Whereas at its meeting of July 27, 2020, the Council of The Corporation of the City of Port Colborne (Council) approved Planning and Development Report 2020-93, Joint Agency Review Team – Memorandum of Understanding – Port Colborne Quarries Proposed Quarry Application; and

Whereas at its meeting of September 28, 2020 Council considered Planning and Development Department, Planning Division Report No. 2020-118, Subject: Joint Agency Review Team Public Liaison Committee (JARTPLC), and resolved to establish the Joint Agency Review Team Public Liaison Committee and adopt a Terms of Reference; and

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That there is hereby established a committee to be known as the “Joint Agency Review Team Public Liaison Committee”.
2. That the Terms of Reference for the Joint Agency Review Team Public Liaison Committee, attached hereto as Schedule “A”, are hereby adopted.
3. That the Joint Agency Review Team Public Liaison Committee shall operate in accordance with the policies of The Corporation of the City of Port Colborne.
4. That this by-law shall come into force and take effect on the day of final passing.

Enacted and passed this ____ day of _____ 2020.

Schedule “A” to By-law _____
Joint Agency Review Team Public Liaison Committee
Terms of Reference
City of Port Colborne

Name

The committee will be known as the Joint Agency Review Team Public Liaison Committee (the “JARTPLC”).

Purpose

The purpose of the JARTPLC is to provide public overview with respect to the Joint Agency Review Team (“JART”) process for applications to be submitted by Port Colborne Quarries (PCQ) to amend the Official Plan and Zoning By-law. 6575/30/18.

Staff from the Planning and Development Department will provide updates on the JART to the JARTPLC.

Composition

Up to five (5) members of the public will be members of the JARTPLC.

Budget

All members of the JARTPLC shall serve without remuneration.

Meetings

- All meetings of the JARTPLC shall be open to the public and no person shall be excluded there from except for improper conduct or except matters identified in Section 239(2) of the Municipal Act, 2001, S.O. 2001, c. 25.
- That the JARTPLC shall elect a Chair, or in his/her absence the Vice-Chair.
- Meetings will be scheduled within 3 weeks subsequent to a JART meeting.
- The JARTPLC will provide Council with their comments on applications for amendments to the Official Plan and Zoning By-law 6575/30/18 once processed.
- City staff will provide administrative functions (e.g. minute taking) and scheduling meetings in City Hall.

Quorum

A quorum of the JARTPLC shall consist of a majority of sitting members.

Term of Office

The JARTPLC will terminate at the conclusion of the JART and Council’s future consideration of Official Plan and Zoning By-law 6575/30/18 amendment applications.

Report To: Board of Directors

Subject: NPCA's Role in the Joint Agency Review Team (JART) Process related to Mineral Aggregate Applications

Report No: FA-62-20

Date: December 17, 2020

Recommendation:

THAT Report No. FA-62-20 RE: Joint Agency Review Team (JART) Process and associated NPCA role **BE RECEIVED.**

Purpose:

The purpose of the report is to provide the Board with an overview and background of NPCA's role in the Joint Agency Review Team (JART) and the streamline review of Mineral Aggregate Applications.

Background:

The JART is a team of professional staff from the public agencies responsible for coordinating the technical review of matters related to the processing of a mineral aggregate operation application. Given the large amount of studies and information circulated to agencies during the process, it is a best practice to establish a JART comprised of staff from the Region of Niagara, local municipality and the NPCA. A multi-partner Memorandum of Understanding is executed to facilitate this process.

The purpose of JART is to have a sharing of information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. Staff from interested provincial ministries would be engaged through the JART process as well. The JART does not make a recommendation on the application, rather the JART works to:

- ensure that the required range of studies and work is completed by the applicant;
- ensure that the studies are sufficient in terms of their technical content;
- review of the studies and work of the applicant either by technical staff or by peer reviewers;
- ensure a coordinated public and stakeholder consultation and engagement process; and
- prepare a technical JART report on the application once all reviews are complete.

The report is then used independently by staff at each agency as the technical basis to develop a recommendation report, which is then considered by the decision-makers at each individual agency.

The approval process for an aggregate operation has a Planning Act (PA) component and an ARA component. The PA component deals with the question of land use – are the lands in question designated in the local and upper tier Official Plans and zoned correctly in the local municipal Zoning By-law for a quarry. Once the land use question is determined, the approval of the Site Plan (shows details of where extraction is to occur, phasing of extraction and details rehabilitation) is handled by the Ministry of Natural Resources and Forestry (MNRF) through the License/Permit process under the ARA. During the License/Permit process, the municipality and NPCA are circulated as commenting agencies.

Discussion:

It is important to note that the NPCA is a commenting agency for approvals of ARA applications. Subsection 28(12) of the Conservation Authorities Act exempts activities approved under the ARA. This means that the NPCA cannot require an aggregate operator to obtain a Permit for works in a Regulated Area.

NPCA staff work alongside our peers at the Region and lower tier municipalities to ensure the appropriate information is provided by the applicants with the application submissions and municipal partners are supported with NPCA's technical review. The NPCA has executed MOU's with our partner municipalities to support this review process.

At present, The NPCA has been involved in preliminary work for two upcoming ARA applications. The first is for Upper's Quarry in Niagara Falls, which will be a new quarry south of the existing Walker's Quarry. The second is for an expansion of the existing Port Colborne Quarry (PCQ) in Port Colborne. It is anticipated that the applications will be submitted in the near future as both proponents are working to finalize their application packages.

There are no financial implications stemming from this report.

Links to Policy/Strategic Plan:

NPCA involvement with the JART for these applications ensures the NPCA's Planning Policies are considered and addressed.

Related Reports and Appendices:

Appendix 1 – Proposed Upper's Quarry Lands

Appendix 2 – Proposed PCQ Expansion Lands

Authored by:

Original Signed by:

David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations

Reviewed by:

Original Signed by:

Darren MacKenzie, C.Tech., rcsi
Director, Watershed Management

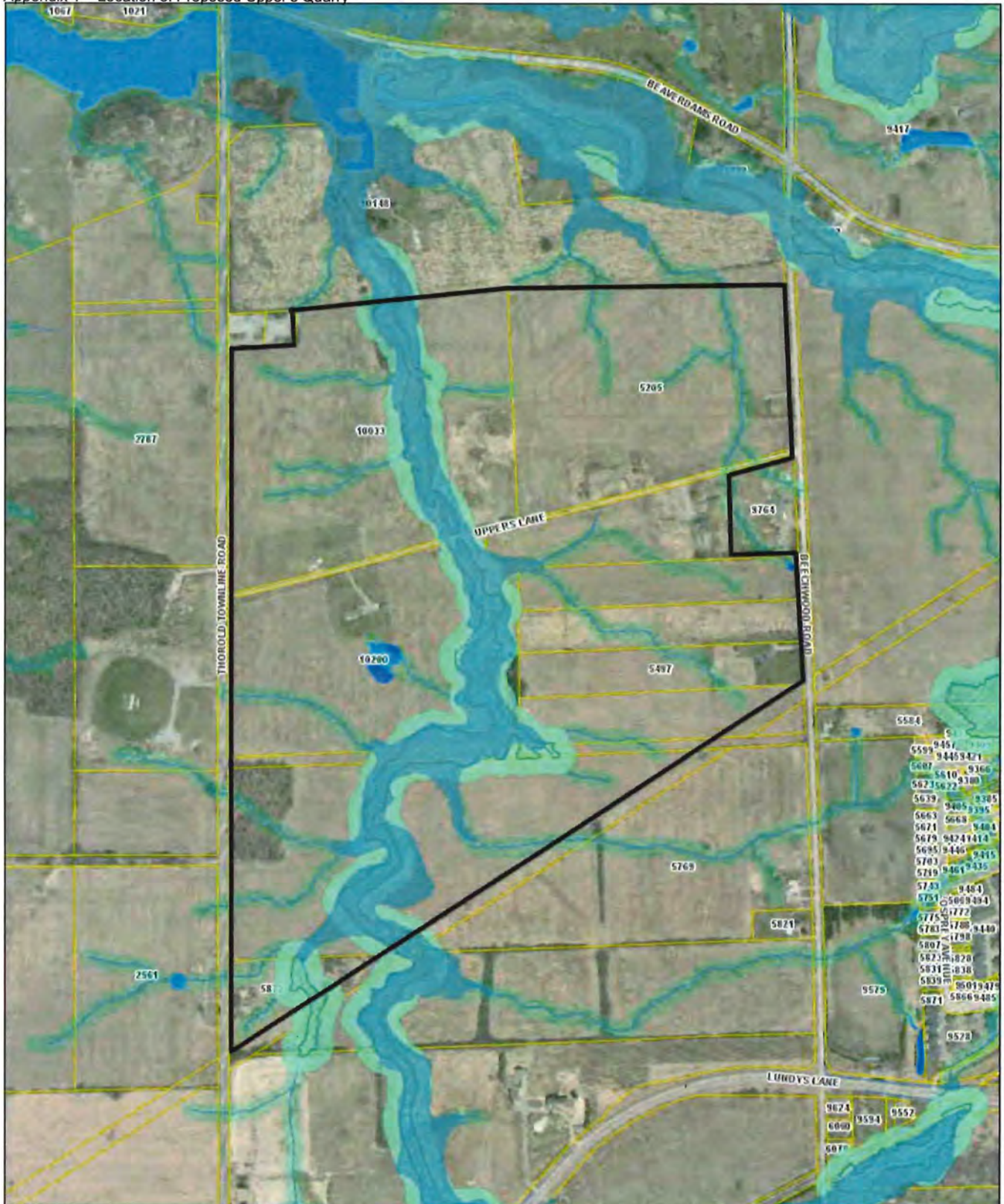
Submitted by:

Original Signed by:

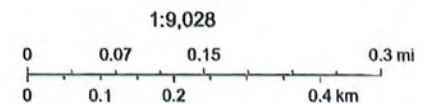
Chandra Sharma, MCIP, RPP
Chief Administrative Officer/Secretary-Treasurer

Proposed Upper's Quarry Lands

Appendix 1 – Location of Proposed Upper's Quarry



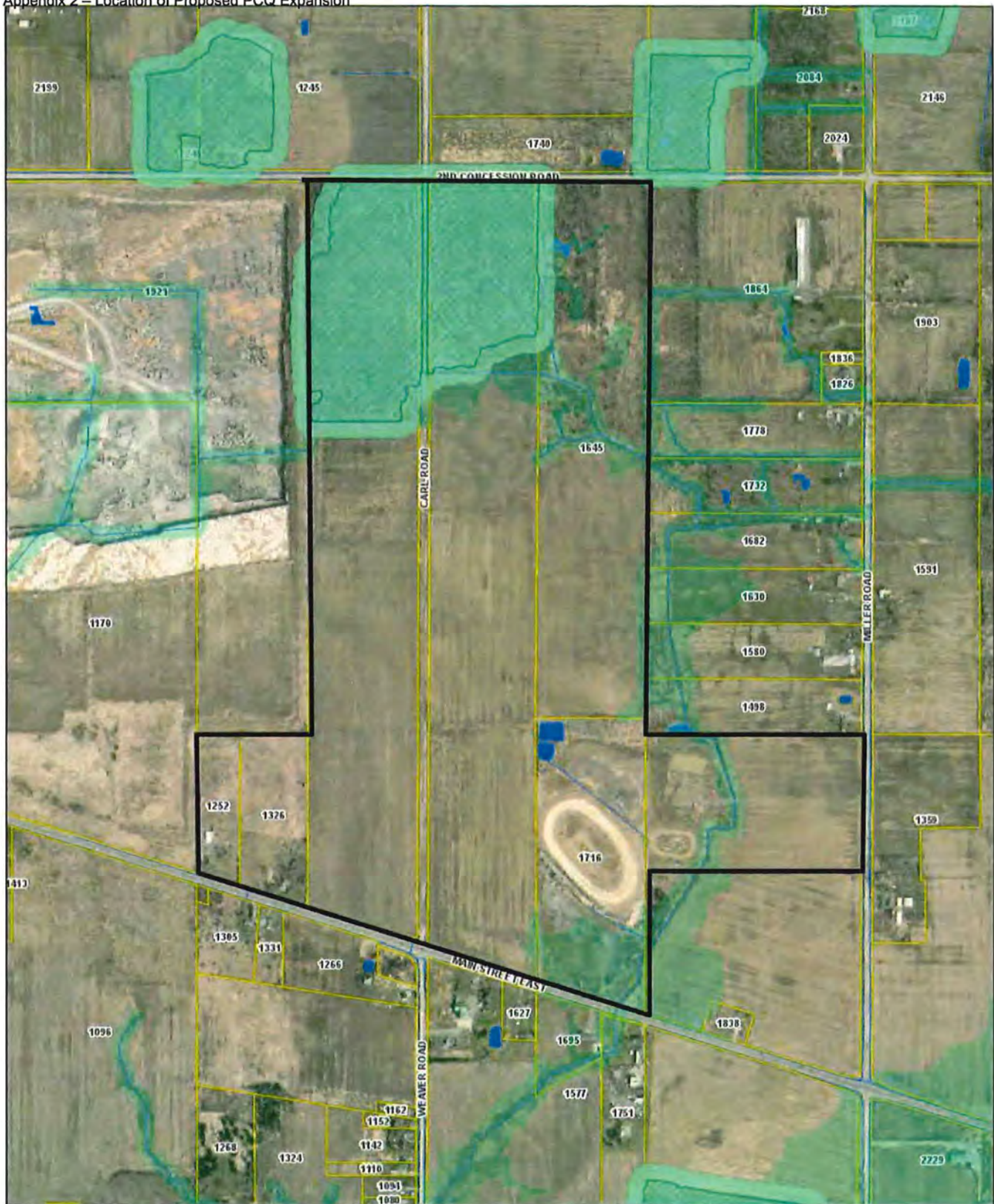
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NPCA, Brian Lee, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Proposed PCQ Expansion Lands

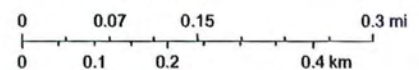
Appendix 2 – Location of Proposed PCQ Expansion



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- Override 1
- Roads
- Corporate Watershed Divide NPCA
- NPCA APPROXIMATE REGULATION LANDS
- Wetland Allowance
- OWES WETLANDS
 - Non-Provincially Significant Wetland
 - Provincially Significant Wetland
- Assessment Parcels
- 2K Hydrography
- 2K HydroPoly

1:9,028



NPCA, Brian Lee, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

MEMORANDUM

CWCD 2021-87

Subject: Update on Port Colborne Quarry – Proposed Pit 3 Extension

Date: Friday, April 16, 2021

To: Regional Council

From: Sean Norman, Senior Planner

The purpose of this memo is to inform Regional Council that Port Colborne Quarries Inc. (PCQ) has submitted their applications under the Planning Act and circulated the Region their application under the Aggregate Resources Act for the proposed extension of Pit 3, and that the applicant is hosting a virtual public open house on April 20, 2021.

Overview

As first reported through CWCD 166-2020 (June 19, 2020) PCQ is proposing to expand their Pit 3 quarry in the City of Port Colborne. The proposed expansion would be on lands immediately to the east and southeast of the existing Pit 3, between Second Concession Rd. and Main St. East/Highway 3.

Applications Required

The Planning Act applications required are a Regional Official Plan Amendment, Local Official Plan Amendment, and Local Zoning By-Law Amendment.

Aggregate planning is unique in comparison to other types of land-use planning. There is an additional Provincial process that occurs in addition to the Planning Act process, that being the licensing of mineral aggregate operations by the Province through the Aggregate Resources Act (ARA). Whereas the Planning Act and Regional Official Plan process is concerned with land use approvals, licenses under the ARA control and regulate the operation of pits and quarries.

These processes are separate, but often occur at the same time.

April 20, 2021 Public Open House

On April 20, 2021, PCQ will be hosting a virtual public open house for their Aggregate Resource Act (ARA) application. The open house is being conducted in accordance with the requirements of the ARA. This public open house is not being hosted by Region or City staff. Public open house(s) and public information centers hosted by Region and City staff for the Planning Act applications will follow at a later date.

The link for the ARA open house can be found on the applicant's website at:

www.portcolbornequarries.ca

Pit 3 Extension vs. Pit 4

There has been some discussion recently regarding the language that refers to this application as the 'Pit 3 Extension' as opposed to 'Pit 4'. Region Planning Staff can confirm that there is no difference in the application or review requirements based on the name of the project. New lands are being proposed for a mineral aggregate operation; a Regional Official Plan Amendment, Local Official Plan Amendment, and Local Zoning By-Law Amendment are required. A new ARA license is also required, regardless of whether it is referred to as an extension or a new quarry. The naming of the project is by the applicant, and has no bearing on the application process or level of review.

Respectfully submitted and signed by:

Sean Norman, PMP, MCIP, RPP
Senior Planner, Planning and Development Services

Subject: Initiation Report for Port Colborne Quarry Regional Official Plan Amendment 20

Report to: Planning and Economic Development Committee

Report date: Wednesday, September 15, 2021

Recommendations

1. That Report PDS 35-2021 **BE RECEIVED** for information; and
2. That a copy Report PDS 35-2021 **BE CIRCULATED** to the City of Port Colborne, the Niagara Peninsula Conservation Authority and IBI Group.

Key Facts

- The purpose of this report is to advise Regional Council that applications to amend the Regional Official Plan (ROP), the Port Colborne local Official Plan (LOP) and the Port Colborne Zoning By-law have been made by Port Colborne Quarries Inc.
- The Region is the approval authority of the Regional Official Plan Amendment (ROPA) and local Official Plan Amendment (LOPA).
- The application is proposed to facilitate an expansion of the existing quarry. The proposed ROPA consists of text and schedule changes to add the subject lands to Section 13 (Site Specific Policies) of the ROP.
- The applicant has also filed an application for a Category 2 (Below Water Quarry) - Class A Licence to the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) under the Aggregate Resources Act.

Financial Considerations

There are no financial considerations arising from this report, as the cost of work associated with application review is recovered through planning fees (\$130,315) in accordance with the Council approved Schedule of Rates and Fees. Costs of advertising for open houses and public meetings are also paid by the applicant, and the Region has entered into a Cost Acknowledgement Agreement with the applicant to cover other costs associated with the application (i.e. peer reviews).

Analysis

The application proposes that the ROP be amended to permit an expansion of the existing quarry. If approved, this expansion would occur on lands located on the north side of Main Street East/ Highway 3, south of Second Concession Road, and west of Miller Road in the City of Port Colborne (Appendix 1). The lands are currently occupied by a mix of uses including: a car racing track, agricultural field crops, rural residential uses and environmental features. The proposed site is located immediately adjacent to the existing Port Colborne Quarry Pit 3.

The subject lands are designated Good General Agriculture and Environmental Conservation Area in the ROP. Based on the policies of the ROP, where a new pit or quarry or an extension to an existing licensed pit or quarry are to be located outside a possible aggregate area (illustrated on Schedule D4), a ROPA is required. The subject lands are not shown on ROP Schedule D4, therefore, a ROPA is required.

The ROPA application was submitted on March 17, 2021. Based on a Staff review, the application was deemed incomplete (April 15, 2021). Subsequent Environmental Site Assessment and Soil Management Plans were submitted and the application was deemed complete on July 8, 2021. Concurrent applications for a local Official Plan Amendment and a Zoning By-law Amendment have been submitted to the City of Port Colborne. The ROPA and LOPA will be processed concurrently.

A joint open house for the ROPA and LOPA has been scheduled for September 9, 2021 via Zoom. Advertising for the open house was posted on the Region's website, in Niagara This Week, and via mail to all property owners within 1km of the subject lands. The open house is not required by the Planning Act, but is being held to solicit feedback given the scale of the application. A statutory public meeting, in accordance with the requirements of the Planning Act, will be scheduled at a later date. Comments received from the public in either the joint public open house or the statutory public meeting will be brought forward to Committee for consideration.

An application for a Category 2 (Below Water Quarry) - Class A Licence has also been submitted to the MNDMNRF under the Aggregate Resources Act. The total area to be licensed is 106.29 hectares, of which 71.12 hectares is proposed for extraction. Prior to the final approval of the provincial Aggregate Resources Act license, the appropriate municipal land use approvals must be in place.

JART Process

As previously communicated to Council, a Joint Agency Review Team (JART) has been formed to coordinate the technical review of the applications. The JART is a team of planning staff from the Region, the City of Port Colborne, and the Niagara Peninsula Conservation Authority (NPCA). The purpose of JART is to share information, resources, and expertise so that the applications and the associated studies are reviewed in a streamlined and coordinated manner. Staff from interested provincial ministries will be engaged through the JART process as well. The JART does not make a recommendation on the applications, but works collaboratively to review the studies and ensure coordinated public and stakeholder engagement and consultation. Once all reviews are complete, a technical JART report will be prepared on the applications for use independently by staff at each agency as the technical basis to develop a recommendation report, which is then considered by the decision-makers at each individual agency.

Alternatives Reviewed

As this report is for information, there are no alternatives reviewed.

Relationship to Council Strategic Priorities

This report is provided to execute Regional Council's Strategic Priority for a Sustainable and Engaging Government and Responsible Growth and Infrastructure Planning. By reviewing development planning applications for conformity with the planning policy regime, the Region fulfills our commitment to high quality, efficient and coordinated service through enhanced communication, partnership and collaboration. Review of the applications in a coordinated manner will also ensure that Council's priority for preservation of the natural environment is addressed in a holistic manner.

Other Pertinent Reports

- [CWCD 166-2020](#)

Prepared by:

Britney Fricke, MCIP, RPP
Senior Planner
Planning and Development Services

Recommended by:

Michelle Sergi, MCIP, RPP
Commissioner
Planning and Development Services

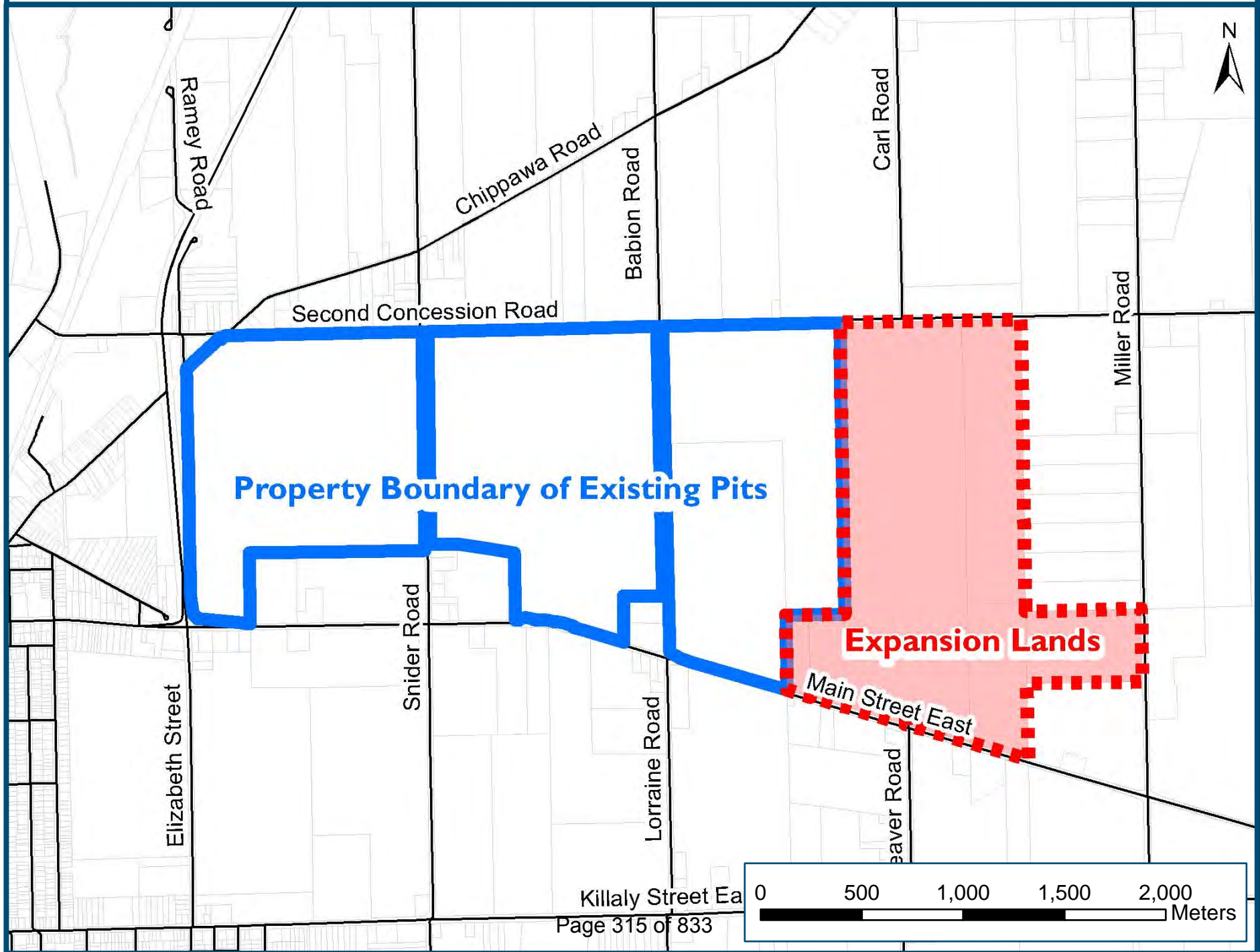
Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Sean Norman, MCIP, RPP, Senior Planner, and reviewed by Erik Acs, MCIP, RPP, Manager of Community Planning and Doug Giles, Director of Community and Long Range Planning.

Appendices

Appendix 1 Location Map



**Subject: Proposed Official Plan and Zoning By-law Amendment –
Port Colborne Quarries Pit 3 Expansion – Files: D09-02-21
& D14-09-21**

To: Council - Public Meeting

From: Development and Legislative Services Department

Report Number: 2023-42

Meeting Date: March 7, 2023

Recommendation:

That Development and Legislative Services Department – Planning Division Report 2023-42 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding applications received for proposed Official Plan and Zoning By-law Amendments to facilitate the expansion to the Port Colborne Quarries' ("PCQ") Pit 3.

Background:

Applications

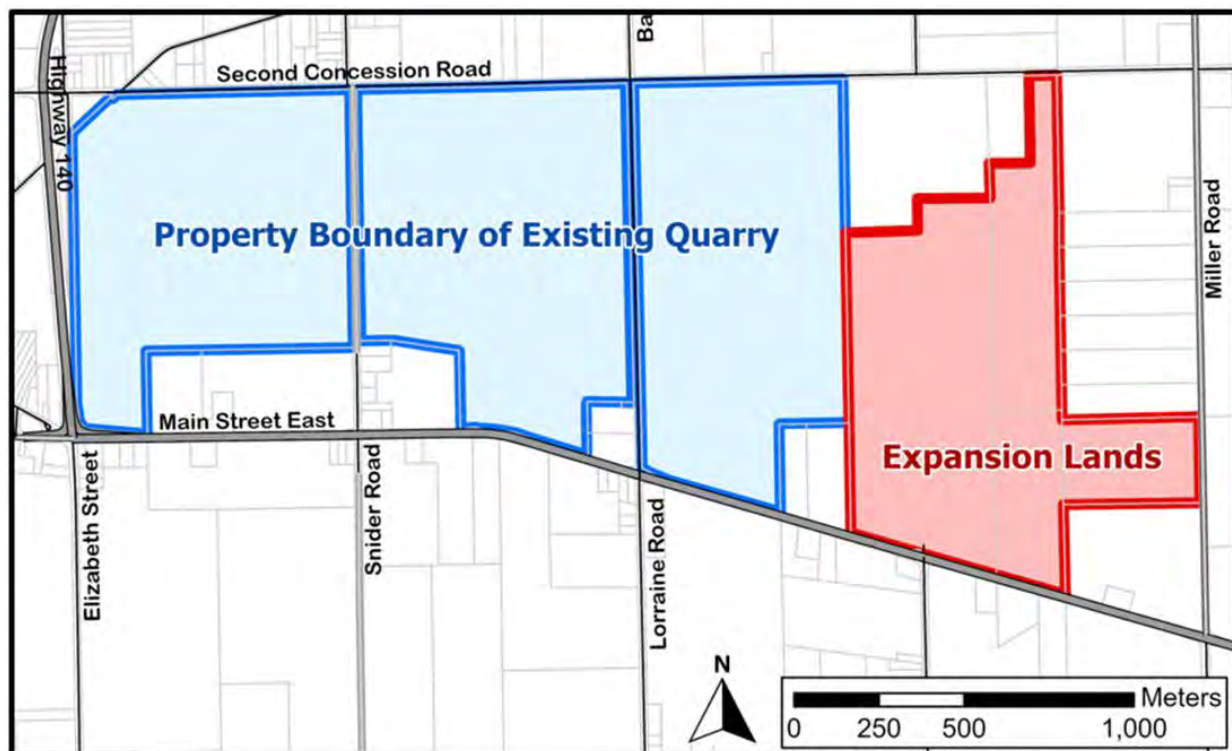
The City of Port Colborne (the "City") received applications for Official Plan and Zoning By-law Amendments on March 17, 2021. The applications were deemed complete on July 8, 2021. A public open house was held jointly with the Niagara Region (the "Region") on September 9, 2021, to hear comments from interested members of the public. Port Colborne Quarries Inc. is represented by their authorized agent, David Sisco of IBI/Arcadis Group (the "applicant").

The application for Official Plan Amendment (OPA) proposes to change the designation of the subject lands from Agricultural to Mineral Aggregate Operation. The application also proposes to add a Special Policy Area to permit the proposed expansion of the quarry.

The application for Zoning By-law Amendment (ZBA) proposes to change the zoning of the subject lands from Agricultural (A) to Mineral Aggregate Operation (MAO), as well as reduce the minimum setback from a Provincial Highway from 90 metres to 30 metres.

Location

The lands are immediately adjacent to the PCQ operation to the west along Highway 3. Legally the lands are described as Part Lot 17, 18, 19, Concession 2, and located on the north side of Main Street East/Highway 3, south of Second Concession Road, and west of Miller Road. The total area to be licensed is 106.29 hectares, of which 71.12 hectares is proposed to be extracted. The lands subject to the applications (in red) are shown below.



Associated Applications

In addition to the Local OPA and ZBA, the applicant has also submitted a complete application for a Regional Official Plan Amendment (ROPA) to the Niagara Region to permit the proposed quarry expansion. A separate Public Meeting for the ROPA application will be held at the Regional Planning and Economic Development Committee on Wednesday, March 8, 2023.

The applicant has also applied for a Category 2 (Below Water Quarry) – Class A Licence to the Ministry of Natural Resources and Forestry (MNRF) under the *Aggregate*

Resources Act (ARA). The ARA application process includes a separate public consultation and notification process. Any comments or objections submitted to the Region or City with respect to the Planning Act applications should also be submitted to the MNRF referencing the ARA application.

JART Process

To coordinate the technical review of the applications - a Joint Agency Review Team (JART) was formed. The JART is a team of planning staff from the Region, the City, and the Niagara Peninsula Conservation Authority (NPCA). The purpose of the JART is to share information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. Staff from applicable provincial ministries have been engaged through the JART process as well.

The JART does not make a recommendation on the application, rather the JART works to:

- ensure that the required range of studies and work is completed by the applicant;
- ensure that the studies are sufficient in terms of their technical content;
- review of the studies and work of the applicant either by technical staff or by peer reviewers;
- ensure a coordinated public and stakeholder consultation and engagement process; and
- prepare a technical JART report on the application once all reviews are complete.

The JART report will be used independently by planning staff at the Region and City as the technical basis to develop a recommendation report.

Materials Submitted in Support of the Applications

In support of the applications, the applicant has provided numerous technical studies and reports. The Region, on behalf of the JART has retained an Aggregate Advisor and several third-party peer reviewers to assist with the review of many of the technical studies.

In addition to the technical studies/reports, the ARA Site Plans have been under review as part of the application process. If approved, the ARA Site Plans are the primary tool used by the Province to enforce the conditions and other aspects of the quarry's ongoing operations. The mitigation measure and recommendations of each of the technical studies/reports are included as part of the Site Plans and/or associated Site Plan Notes.

An index of all materials submitted to date has been attached as Appendix C. The materials can be accessed via the Port Colborne Quarries website at www.portcolbornequarries.ca.

Discussion:

These applications will be reviewed with consideration of applicable policies under the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan (2014)*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

Provincial Policy Statement (2020)

The *Provincial Policy Statement (PPS)* provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for the long-term protection of mineral aggregate and petroleum resources and limits what can and cannot be done in areas with known resources. The proposed amendments will be predominantly evaluated under Section 2.5 – Mineral Aggregate Resources of the PPS, however, a review of the amendments against the entirety of the PPS will also be conducted as part of the recommendation report to be considered at a future Council meeting.

Growth Plan for the Greater Golden Horseshoe (2019)

The *Growth Plan for the Greater Golden Horseshoe (Growth Plan)*, much like the PPS, directs municipalities to implement and maintain policies and other strategies to conserve mineral aggregate resources. The proposed amendments will be predominantly evaluated specifically under section 4.2.8 – Mineral Aggregate Resources of the Growth Plan through the future recommendation report.

Niagara Region Official Plan (2014)

The new Niagara Official Plan (NOP) was recently approved on November 4, 2022, with modifications by the Ministry of Municipal Affairs and Housing. Policy 7.12.2.5 of the NOP states that development applications deemed complete prior to the date of the NOP approval shall be permitted to be processed under the 2014 Regional Official Plan (ROP) policy regime. As the applications for ROPA, Local OPA, and ZBA were all deemed complete on July 8, 2021, the applications will be reviewed under 2014 ROP.

Chapter 6 of the 2014 ROP provides policy direction on Mineral Aggregate Operations to lower-tier municipalities to implement Provincial objectives for Mineral Aggregate Operations. It is also noted that Schedules D1, D2, and D3 of the ROP identify potential resource areas across the Region and local municipal official plans are required to conform to the schedules and policies of the ROP. The applications will be reviewed under the above-noted chapter.

City of Port Colborne Official Plan

As noted above, the application for OPA proposes to change the land use designation of the subject lands from Agricultural to Mineral Aggregate Operation, along with a special policy area to permit the expansion of the quarry. The application will be reviewed against the policies provided in Section 10 - Mineral Aggregate and Petroleum Resources of the Official Plan. The draft Official Plan Amendment can be found in Appendix A.

City of Port Colborne Comprehensive Zoning By-law 6575/30/18

The application proposes to change the zoning of the subject lands from Agricultural (A) to Mineral Aggregate Operation (MAO). Additionally, a special provision of the MAO zone has been proposed, requesting the minimum setback from a Provincial Highway to be reduced from 90 metres to 30 metres. The draft Zoning By-law Amendment can be found in Appendix B.

Internal Consultations:

As referenced in the Background section of this report, the applications have been actively reviewed by relevant staff and departments from the Niagara Region, NPCA and City through the JART process. Additionally, the JART has retained peer reviewers to review several of the technical studies referenced in Appendix C.

Financial Implications:

Currently, there are no financial implications with respect to this information report. Through the Region's Cost Acknowledgement Agreement with the applicant, it has been agreed upon that the costs associated with the application, including the JART's Aggregate Advisor and peer reviewers, will be borne by the applicant. In accordance with the City's 2021 Rates and Fees that were in place at the time of the application, the City has received \$75,239 to offset the City's staff time involved in the application.

Public Engagement:

The Notice of Public Meeting has been circulated in accordance with Sections 21 and 34 of the *Planning Act*. Notice was provided via the Niagara This Week newspaper on February 9, 2023. Additionally, Notices were mailed to property owners within 120 metres of the lands subject to the applications, and the applicant placed a Public Notice sign on the property. The Notice was also posted on the City's website under "Current Applications", and individual notices were mailed or emailed to any members of the

public that have submitted comments on the applications to date. Comments received from the public on this application will be included and responded to in the future recommendation report.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - Attracting Business Investment and Tourists to Port Colborne
 - People: Supporting and Investing in Human Capital
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

Planning staff are not providing a recommendation on the proposed Official Plan and Zoning By-law Amendments at this time to allow all agency, public and Councillor comments to be received and considered prior to a decision being made. The recommendation report will return to a future regular meeting of Council.

Appendices:

- a. Draft Official Plan Amendment
- b. Draft Zoning By-law Amendment
- c. Index of Application Materials

Prepared by,

David Schulz, BURPI, MCIP, RPP
Senior Planner
(905) 835-2900 x202
david.schulz@portcolborne.ca

Respectfully submitted,

Denise Landry, MCIP, RPP
Chief Planner
(905) 835-2900 x203

denise.landry@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to adopt amendment no. ____ to
the Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Therefore the Council of The Corporation of the City of Port Colborne under Section 17(22) of the Planning Act, hereby enacts as follows:

1. That Official Plan Amendment No. ____ to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the Regional Municipality of Niagara for approval of the aforesaid Amendment No. ____ to the Official Plan for the Port Colborne Planning Area.
3. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this ____ day of _____, 2023.

William C Steele
Mayor

Nicole Rubli
Acting Clerk

**AMENDMENT
NO. ____ TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

**PREPARED BY:
CITY OF PORT COLBORNE DEPARTMENT OF
DEVELOPMENT AND LEGISLATIVE SERVICES
February 2023**

**AMENDMENT NO.
____ TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

AMENDMENT NO.
____ TO THE OFFICIAL
PLAN FOR THE
CITY OF PORT COLBORNE

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. ____ to the Official Plan for the City of Port Colborne.

Date: _____

**AMENDMENT NO. ____ TO THE OFFICIAL
PLAN FOR THE
PORT COLBORNE PLANNING AREA**

INDEX

The Statement of Components

Part A – The Preamble

Purpose

Location

Basis

Part B – The Amendment

Part C – Definitions

STATEMENT OF

COMPONENTS PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, consisting of the following map and text changes, constitutes Amendment No. ____ to the Official Plan for the Port Colborne Planning Area.

PART C

Definitions which also constitutes a part of this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of this Amendment is to add to add a Special Policy Area to permit the proposed Port Colborne Quarries Inc. - Pit 3 Extension quarry. The amendment also includes the addition of the subject lands on Schedule C - Mineral Aggregate and Petroleum Resources as a Mineral Aggregate Operation.

Location

The lands affected by this amendment are legally described as Part of Lots 17, 18, 19, Concession 2, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, and located on the north side of Main Street East/Highway 3, south of Second Concession Road, and west of Miller Road.. A detailed map of the subject lands is attached as Schedule "A" to this Official Plan Amendment No. ____.

Basis

- a) The Amendment was the subject of a Public Meeting held under the Planning Act, 1990 on _____. Public and agency comments were addressed as part of the preparation of this Amendment.
- b) The Amendment will allow the Council of the City of Port Colborne to make a decision on the rezoning from Agriculture to Mineral Aggregate Operation and subsequently allow the Minister of Natural Resources and Forestry to make a decision to issue a quarry licence under the Aggregate Resources Act.
- c) Based on the City's review of the Planning Act, 1990, the Provincial Policy Statement (2020), the Provincial plans (2019), the Regional Official Plan, the City's Official Plan and public and agency consultation, City staff is of the opinion that the Amendment is consistent, or does not conflict, with Provincial, Regional policies and City policies plans and, therefore, represents good planning.

PART B - THE AMENDMENT

Introductory Statement

All of this part of the document entitled **PART "B"** – "The Amendment" consisting of the following text and map designated Schedule "A" constitutes Amendment No. ____ to the Official Plan for the City of Port Colborne. The Official Plan of the City of Port Colborne is hereby amended as follows:

Details of the Amendment

The Official Plan for the City of Port Colborne Planning Area is hereby amended as follows:

The following text is inserted into Policy G.12 of the Official Plan for the Port Colborne Planning Area:

(_) An expansion to the existing Port Colborne Quarries Inc. quarry is permitted and referred to as Pit 3 Expansion being eastwardly on approximately 71.12 hectares (175 acre) site located on the lands bounded by Regional Road 84 (Miller Road), Provincial Highway 3 (Main Street) and Second Concession Road, on Part Lot 17, 18, 19 Concession 2 and Plan 59R-16702 in the City of Port Colborne.

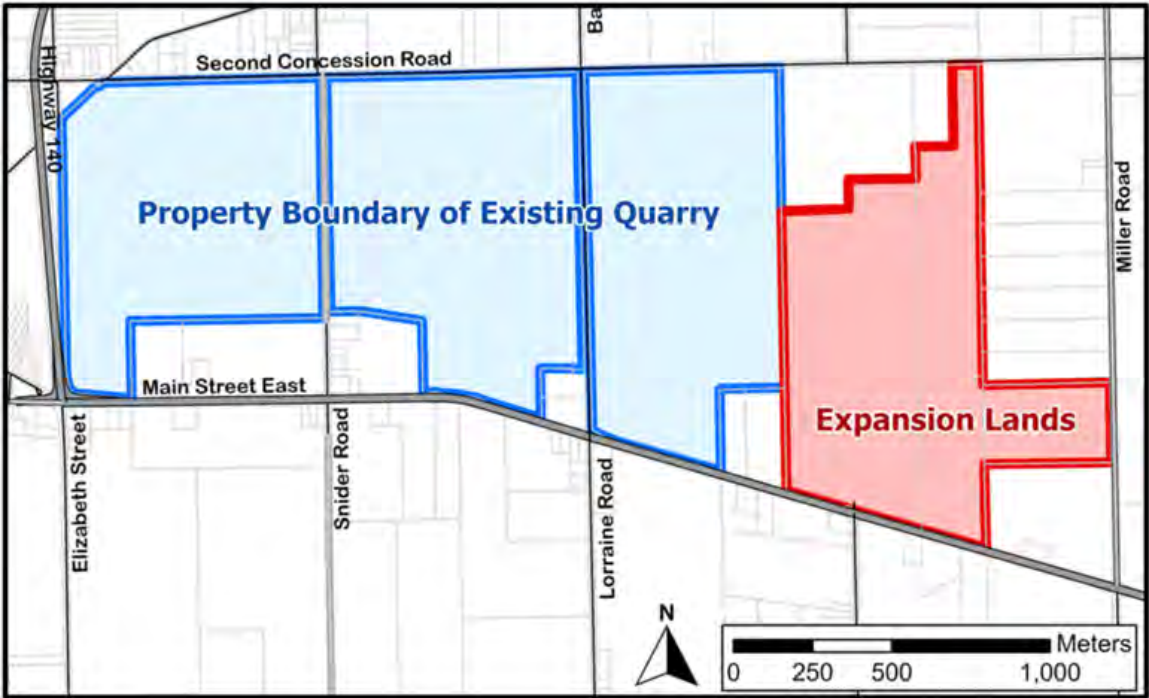
The following changes are made to Schedule C: Mineral Aggregate and Petroleum Resources:

- 1. That the area be shown as Mineral Aggregate Operation and corresponding to the Legend.

PART C – DEFINITIONS

Also constitutes a part of this Amendment.

Schedule “A”



The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part Lot 17, 18, 19, Concession 2, and located on the north side of Main Street East/Highway 3, south of Second Concession Road, and west of Miller Road.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedules “A4” and “A5” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Agriculture (A) to MAO-XX (Mineral Aggregate Operation with special provision).
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

MAO-XX

Notwithstanding the provisions of the Mineral Aggregate Operation (MAO) zone, the following regulations shall apply:

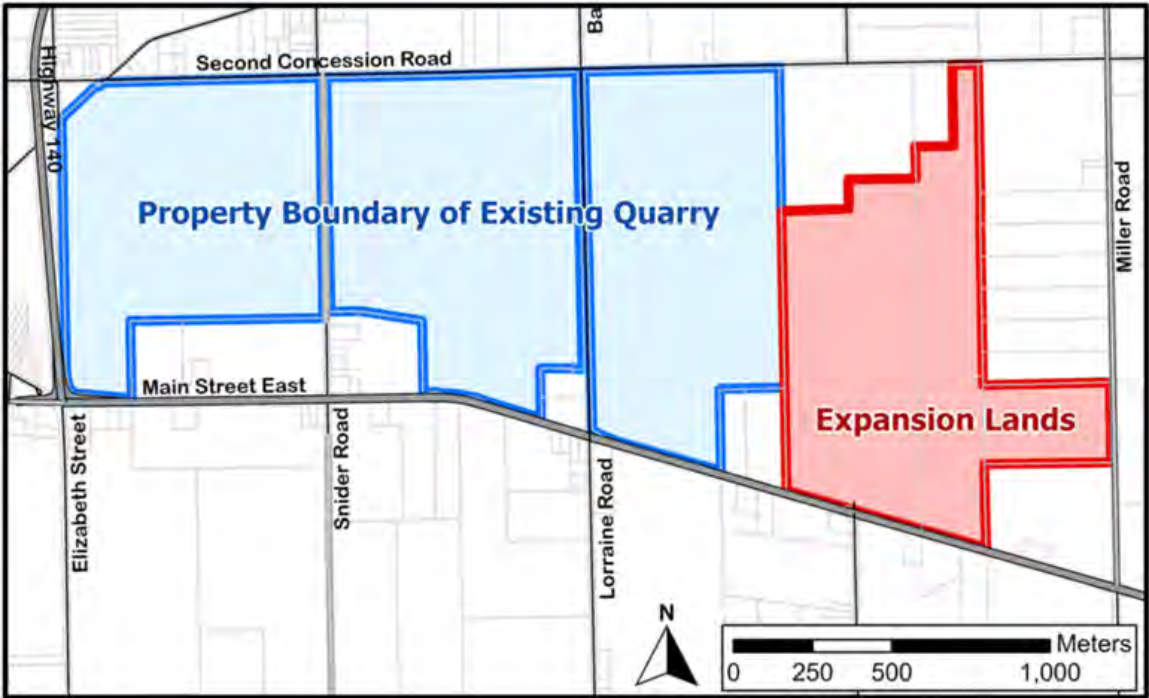
- a) No pit, quarry or excavation shall be made or established within 15 metres of any lot line which does not abut a public street or 30 metres of any lot line which abuts any other public street.
4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this day of , 2023.

William C Steele
Mayor

Nicole Rubli
Acting Clerk

Schedule “A”



Appendix C to Report 2023-42

Port Colborne Quarries – Proposed Pit 3 Extension

ROPA, LOPA, ZBLA Applications – List of Technical Material Submitted

Documents can be accessed on the Port Colborne Quarries Website:

[Port Colborne Quarry PIT 3 Application](https://portcolbornequarries.ca/quarry-expansion-document) (https://portcolbornequarries.ca/quarry-expansion-document)

Item	Date Submitted
1. Planning Justification Report, prepared by IBI Group (dated February 17, 2021)	• March 17, 2021 (1 st Submission)
2. Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated September 22, 2020)	• March 17, 2021 (1 st Submission)
3. Stage 1 and 2 Archaeological Assessment, prepared by Golder Associates Inc. (dated November 24, 2020)	• March 17, 2021 (1 st Submission)
4. Stage 1 and 2 Archaeological Assessment - Supplementary Documentation, prepared by Golder Associates Inc. (dated November 24, 2020)	• March 17, 2021 (1 st Submission)
5. Cultural Heritage Screening Report, prepared by Golder Associates Inc. (dated July 17, 2020)	• March 17, 2021 (1 st Submission)
6. Land Use Compatibility / Sensitive Land Use Study, prepared by IBI Group (dated January 8, 2021)	• March 17, 2021 (1 st Submission)

Item	Date Submitted
7. Air Quality Impact Assessment, prepared by Golder Associates Inc. (dated December 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
8. Best Management Practices Plan for the Control of Fugitive Dust (BMPP), prepared by Golder Associates Inc. (dated December 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
9. Noise (Acoustical) Impact Study, prepared by Golder Associates Inc. (dated December 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
10. Blasting (Vibration) Impact Assessment, prepared by Golder Associates Inc. (dated July 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
11. Financial Impact Assessment / Economic Benefits, prepared by IBI Group (dated June 8, 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
12. Hydrological Assessment, prepared by Golder Associates Inc. (dated November 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
13. Hydrogeological Assessment, Level 1 / 2 Water Resources Study, prepared by Golder Associates Inc. (dated October 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
14. Natural Environment Level 1 & 2 Report (EIS), prepared by Golder Associates Inc. (dated October 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
15. Tree Preservation Plan, prepared by IBI Group (dated October 16, 2020);	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
16. Comprehensive Rehabilitation Strategy, prepared by IBI Group (dated October 30, 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)

Item	Date Submitted
17. Social Impact Assessment, prepared by IBI Group (dated January 8, 2021)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
18. Traffic Impact Study, prepared by IBI Group (dated October 19, 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
19. Visual Impact Assessment, prepared by IBI Group (dated December 23, 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
20. Completed Application to Amend the Regional Official Plan	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
21. Draft Regional Official Plan Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
22. City of Port Colborne – Application for Official Plan Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
23. Draft City of Port Colborne Official Plan Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
24. City of Port Colborne – Application for Zoning By-Law Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
25. Draft City of Port Colborne Zoning By-Law Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
26. Public Consultation Plan, prepared by IBI Group (dated March 15, 2021)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
27. Site Plan Drawings (1-8), prepared by IBI Group (dated February 9, 2021)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
28. Landscaping Plans (1-2), prepared by IBI Group (dated December 21, 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
29. Phase One Environmental Site Assessment (ESA), prepared by Golder Associates Inc. (dated June 16, 2021)	<ul style="list-style-type: none"> June 2021

Item	Date Submitted
30. Conceptual Soil Management Plan, prepared by Golder Associates Inc. (dated June 28, 2021)	<ul style="list-style-type: none"> • June 2021
2nd Submission	
31. PCQ Application – 2nd Submission Cover Letter, prepared by IBI (dated January 31, 2022)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)
32. Revised Planning Justification Report, prepared by IBI Group (dated January 28, 2022)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)
33. AIA Response to JART Comments Letter, prepared by Colville Consulting Inc. (dated October 5, 2021)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)
34. Updated Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated October 18, 2021)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)
35. Financial Impact Assessment / Economic Benefits – Revised Report, prepared by IBI Group (dated October 20, 2021)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)
36. Response to JART Hydrology Peer Review Comment – Technical Memorandum, prepared by Golder Associates Inc. (dated January 28, 2022)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)
37. Response Letter to MTO Comments, prepared by IBI Group (dated October 20, 2021)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)
38. Revised Hydrogeological Assessment, Level 1 / 2 Water Resources Study, prepared by Golder Associates Inc. (dated October 2021)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)

Item	Date Submitted
39. Revised Land Use Compatibility / Sensitive Land Use Study, prepared by IBI Group (dated December 15, 2021)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
40. Addendum to the Noise Impact Assessment Report – Technical Memorandum, prepared by Golder Associates Inc. (dated January 21, 2022)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
41. Response to the Joint Agency Review Team Letter - Air Quality Impact Assessment – Technical Memorandum, prepared by Golder Associates Inc. (dated December 10, 2021)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
42. Addendum to the Air Quality Impact Assessment Report – Technical Memorandum, prepared by Golder Associates Inc. (dated January 14, 2022)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
43. Response to Comment Letter from Joint Agency Review Team (JART) [Blasting (Vibration) Impact Assessment], prepared by Golder Associates Inc. (dated October 4, 2021)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
44. Flyrock Impact Assessment – Technical Memorandum, prepared by Golder Associates Inc. (dated January 7, 2022)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
45. Response to JART Comments on the Natural Environment Level 1 & 2 Report (EIS) – Technical Memorandum, prepared by Golder Associates Inc. (dated November 24, 2021)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
46. Supplemental Bat Survey in Support of the Natural Environment Level 1 & 2 Report (EIS) – Technical Memorandum, prepared by Golder Associates Inc. (dated January 31, 2022)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)

Item	Date Submitted
47. Revised Comprehensive Rehabilitation Strategy, prepared by IBI Group (dated December 15, 2021)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
48. Revised Social Impact Assessment, prepared by IBI Group (dated December 15, 2021)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
49. Revised Visual Impact Assessment, prepared by IBI Group (dated December 15, 2021)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
50. Revised Site Plan Notes (dated January 13, 2022)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
51. Revised Site Plan Notes – with changes noted (dated January 13, 2022)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
52. Revised Site Plan Drawings (1-9), prepared by IBI Group (dated November 15, 2021)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
53. Response to JART Hydrogeology Peer Review Comments, prepared by Golder (dated October 1, 2021)	<ul style="list-style-type: none"> May 16, 2022
54. Additional Response to Updated Peer Review Hydrogeological/Ground Water Study, Port Colborne Quarries Pit 3 Extension – Technical Memorandum, prepared by Golder (dated May 16, 2022)	<ul style="list-style-type: none"> May 16, 2022
55. Review and Entry into the Ontario Public Register of Archaeological Reports: Stage 1 & 2 Archaeological Expansion – PCQ Expansion, prepared by the Ministry of Heritage, Sport, Tourism, and Culture Industries (dated February 15, 2021)	<ul style="list-style-type: none"> May 30, 2022

Item	Date Submitted
56. Comment Letter on ARA Application, prepared by the Ministry of Natural Resources and Forestry (dated May 5, 2021)	<ul style="list-style-type: none"> September 7, 2022
3rd Submission	
57. 3rd Submission Covering Letter and Updates to Planning Justification Report, prepared by IBI (dated October 4, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
58. Revised Site Plan Drawings, prepared by IBI (various dates)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
59. Revised Site Plan Notes (with changes highlighted), prepared by IBI Group (dated October 3, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
60. Updated Financial Impact Assessment and Economic Benefits Analysis, prepared by IBI Group (dated June 20, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
61. Hydrology/Surface Water Comment Table, prepared by WSP/Golder (dated August 25, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
62. Additional Response to Updated Peer Review Hydrogeological/Groundwater Study, Port Colborne Quarries Pit 3 Extension – Technical Memorandum, prepared by Golder (dated August 18, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
63. Response to JART Comments on the Natural Environment Level 1 & 2 Report - Technical Memorandum, prepared by WSP/Golder (dated August 31, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
64. Revised Figure 5 for the Comprehensive Rehabilitation Plan, prepared by IBI Group (dated August 29, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)

Item	Date Submitted
65. Copy of the IBI Group E-mail dated May 30, 2022 addressing traffic related concerns & Updated Traffic Impact Study, prepared by IBI Group	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
66. Updated Memo to Paul Marsh re: Wignell Drain Realignment, prepared by IBI Group (dated October 3, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
67. Air Quality Study Response E-mail (dated August 22, 2022)	<ul style="list-style-type: none"> October 5, 2022
68. Technical Memorandum – Response to JART – Request for Supplemental Information Related to the Noise Impact Assessment (dated December 3, 2021)	<ul style="list-style-type: none"> October 5, 2022
69. Response to JART Letter – Air Quality Impact Assessment, prepared by Golder (dated December 10, 2021)	<ul style="list-style-type: none"> October 20, 2022
70. Addendum to the Hydrological Assessments, prepared by WSP/Golder (dated December 5, 2022)	<ul style="list-style-type: none"> December 5, 2022
71. Response to MNRF Comments on the Natural Environment Report, prepared by WSP/Golder (dated December 6, 2022)	<ul style="list-style-type: none"> December 8, 2022
72. Technical Memorandum documenting 2022 Natural Environment Surveys, prepared by WSP/Golder (dated December 16, 2022)	<ul style="list-style-type: none"> December 19, 2022

Subject: Regional Official Plan Amendment Application – Port Colborne Quarries, Proposed Expansion of Pit 3

Report to: Planning and Economic Development Committee

Report date: Wednesday, March 8, 2023

Recommendations

1. That this Report **BE RECEIVED** for information; and
2. That this Report **BE CIRCULATED** to the City of Port Colborne and the Niagara Peninsula Conservation Authority.

Key Facts

- The purpose of this report is to provide information for a Regional Official Plan Amendment (ROPA) application Statutory Public Meeting, which is being held in accordance with the prescribed requirements of Section 17 of the Planning Act.
- The purpose of the statutory meeting is to receive comments from the public, staff are not making a recommendation, and no decision or approvals are sought from Council at this time.
- An application for a ROPA has been received by the Region for the proposed expansion of Port Colborne Quarries Pit 3, located south of Second Concession Road, and west of Miller Road. A Location Map is included as Appendix 1.
- In addition to the ROPA, applications have also been submitted to amend the City of Port Colborne Official Plan and Zoning By-Law. These applications are being reviewed concurrently.
- This Statutory Public Meeting was advertised by posting notices on the subject lands, circulating notice to agencies and residents within 120 metres of the subject lands, e-mailing those who had registered for a previous open house, placing notices in local newspapers, and posting notice electronically on the Region's website and social media pages.
- The City of Port Colborne held a Statutory Public Meeting for the Local Official Plan and Zoning By-Law Amendment applications in front of Port Colborne Council on March 7, 2023.

Financial Considerations

There are no financial considerations arising from this report as the cost of work associated with application processing and review is recovered through planning fees in accordance with the Council-approved Schedule of Rates and Fees. Costs of advertising for open houses and public meetings are paid by the applicant, and the Region has entered into a Cost Acknowledgement Agreement with the applicant to cover other costs associated with the application (i.e., aggregate advisor and peer reviews).

Analysis

Background

An application for a Regional Official Plan Amendment (ROPA) to permit the expansion of the existing Port Colborne Quarry operation was received on March 17, 2021. The application was deemed complete on July 8, 2021. A public open house for the application was held jointly with the City of Port Colborne on September 9, 2021.

Regional Official Plan Policies

The Niagara Official Plan (NOP) was approved, with modifications, by the Minister of Municipal Affairs and Housing and came into effect on November 4, 2022. Policy 7.12.2.5 of the NOP states that development applications deemed complete prior to the date of the NOP approval shall be permitted to be processed and a decision made under the 2014 Regional Official Plan (ROP) policies. As noted above the ROPA application was deemed complete on July 8, 2021, and is therefore being processed under the 2014 ROP. A Draft Regional Official Plan amendment is included as Appendix 2.

Site Location

The proposed ROPA affects lands which are immediately to the east of the existing Port Colborne Quarry operation along Highway 3 in the City of Port Colborne. Legally the lands are described as Part Lot 17, 18, 19, Concession 2, and located on the north side of Main Street East/Highway 3, south of Second Concession Road, and west of Miller Road (Appendix 1). The total area to be licensed as part of the ROPA is 80.3 hectares

JART Process

To coordinate the technical review of the applications, a Joint Agency Review Team (JART) was formed. The JART consists of planning staff from the Region, the City, and the Niagara Peninsula Conservation Authority (NPCA). The purpose of JART is to share information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. Staff from applicable provincial ministries are being engaged through the JART process as well.

The JART does not make a recommendation on the application, rather the JART works to:

- ensure that the required range of studies and work is completed by the applicant;
- ensure that the studies are sufficient in terms of their technical content;
- coordinate the review of the studies and work of the applicant either by technical staff or by peer reviewers;
- ensure a coordinated public and stakeholder consultation and engagement process; and
- prepare a technical JART report on the application once all reviews are complete.

The JART report will be used independently by Planning staff at the Region and the City as the technical basis to develop their respective recommendation reports.

Material Submitted in Support of the Applications

In support of the ROPA application the following technical studies have been submitted:

- Planning Justification Report
- Agricultural Impact Assessment
- Archaeological Assessments
- Cultural Heritage Screening Report
- Land Use Compatibility / Sensitive Land Use Study
- Noise (Acoustical) Impact Study
- Blasting (Vibration) Impact Assessment
- Air Quality Impact Assessment
- Financial Impact Assessment / Economic Benefits
- Hydrologic Assessment
- Hydrogeological Assessment, Level 1 / 2 Water Resources Study

- Natural Environment Level 1 & 2 Report
- Tree Preservation Plan
- Comprehensive Rehabilitation Strategy
- Social Impact Assessment
- Visual Impact Study
- Traffic Impact Study
- Phase 1 Environmental Site Assessment
- Conceptual Soil Management Plan

The Region, on behalf of the Joint Agency Review Team (JART) has retained an Aggregate Advisor and several consulting teams to assist with the review and peer review of many of the individual technical studies.

In addition, the Aggregate Resources Act (ARA) Site Plan drawings are being reviewed as part of the ROPA process. The ARA Site Plans outline the proposed operating conditions of the quarry and are the primary tool used by the Province for enforcement. All of the proposed mitigation measures for each of the individual technical studies are noted and included as part of the Site Plans.

An index of all technical material that have been submitted is included as Appendix 3, and can be accessed on the [Port Colborne Quarries](https://portcolbornequarries.ca/quarry-expansion-document) website (<https://portcolbornequarries.ca/quarry-expansion-document>)

Associated Applications

Concurrent applications for a Local Official Plan Amendment (LOPA) and a Zoning By-law Amendment (ZBLA) have also been submitted to the City of Port Colborne to permit the proposed quarry expansion. A separate Statutory Public Meeting in regards to the LOPA and ZBLA was to be held by the City of Port Colborne on Tuesday March 7th, 2023.

In addition, the applicant has also filed an application for a Category 2 (Below Water Quarry) - Class A Licence to the Ministry of Natural Resources and Forestry under the Aggregate Resources Act. The Aggregate Resources Act application process includes a separate public consultation and notification process. Any comments or objections submitted to the Region or City of Port Colborne in regards to the Planning Act application should also be submitted in response to the Aggregate Resources Act notices.

Next Steps

The review of the application and supporting technical information is ongoing. Regional staff, supported by other members of the JART, the Aggregate Advisor, and Peer Reviewers are analyzing the applications and supporting studies relative to Regional and Provincial planning documents. All comments submitted on this application, including those received through this Statutory Public Meeting will be responded to by staff through a future recommendations report.

Alternatives Reviewed

The *Planning Act (R.S.O. 1990)* requires that all complete applications be processed and that public consultation be conducted as part of all proposed amendments to municipal official plans. Notice has been provided for this Statutory Public Meeting as required by the legislation.

As this report is for information, and the Public Meeting is a statutory requirement, there are no alternatives to review.

Relationship to Council Strategic Priorities

The information in this report relates to the following Regional Council's Strategic Priorities:

- Priority 3: Responsible Growth and Infrastructure Planning
- Priority 4: Sustainable and Engaging Government

By reviewing development applications for conformity with the planning policy regime, the Region fulfills our commitment to high quality, efficient and coordinated service through enhanced communication, partnership and collaboration.

Other Pertinent Reports

- CWCD 166-2020 Proposed Pit 3 Extension – Port Colborne Quarries
- PDS 35-2021 Initiation Report for Port Colborne Quarry Regional Official Plan Amendment 20
- CWCD 2021-87 Update on Port Colborne Quarry – Proposed Pit 3 Extension

Prepared by:

Sean Norman, PMP, MCIP, RPP
Senior Planner
Planning and Development Services

Recommended by:

Michelle Sergi, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

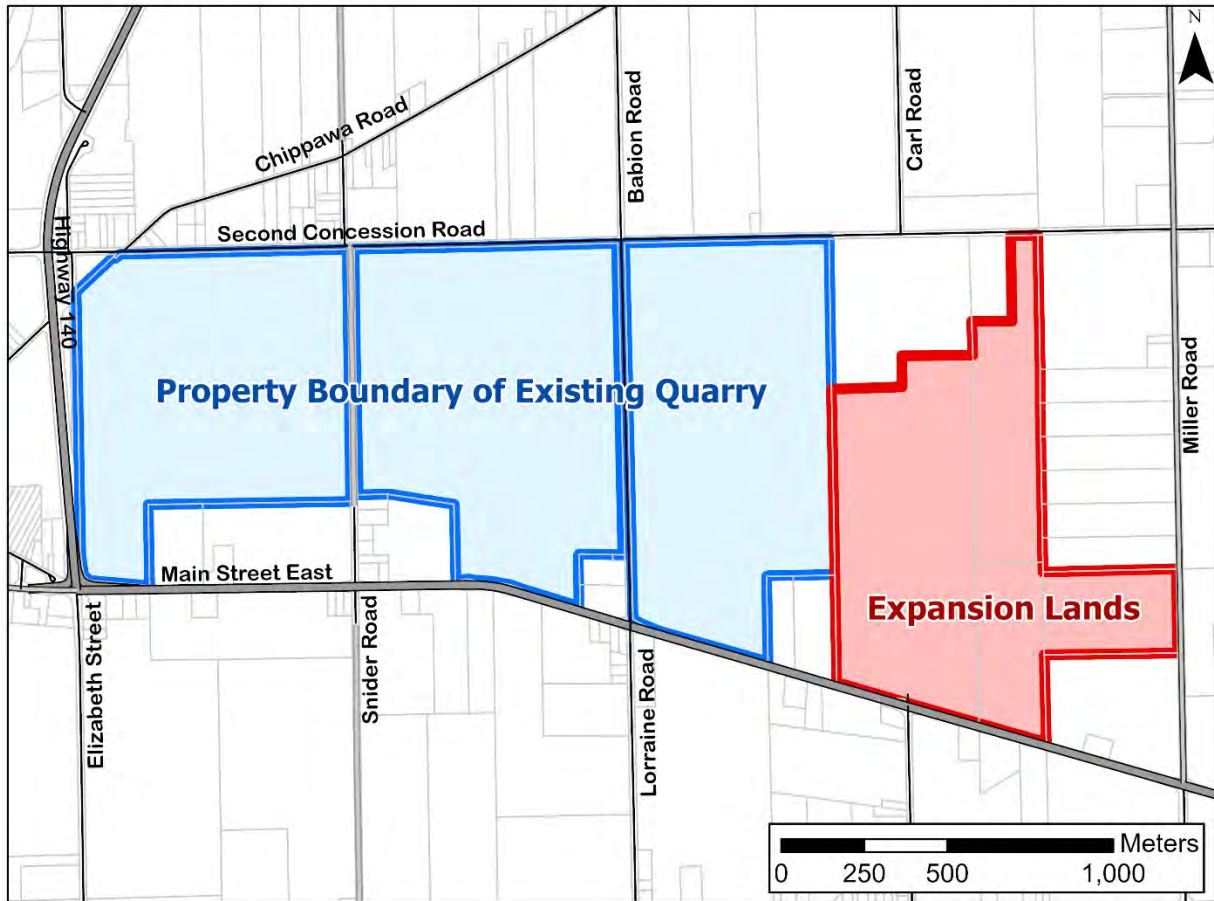
Ron Tripp, P.Eng.
Chief Administrative Officer

This report was reviewed by Erik Acs, MCIP, RPP, Manager of Community Planning and Angela Stea, MCIP, RPP, Director of Community and Long Range Planning.

Appendices

- | | |
|------------|---------------------------------------------------------------------|
| Appendix 1 | Site Location Map |
| Appendix 2 | Draft Regional Official Plan Amendment |
| Appendix 3 | List of Technical Materials Submitted in Support of the Application |

Appendix 1
PDS 5-2023
Site Location Map
Proposed Port Colborne Quarries Expansion



THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2023-XX

A BY-LAW TO PROVIDE FOR THE ADOPTION OF AMENDMENT XX

TO THE OFFICIAL PLAN FOR THE REGIONAL MUNICIPALITY OF NIAGARA

to permit the Port Colborne Quarries Inc. – Pit 3 Expansion

WHEREAS subsection 22 of the Planning Act, 1990 states when the requirements of subsections (15) to (21), as appropriate, have been met and Council is satisfied that the plan as prepared is suitable for adoption,

WHEREAS it is deemed appropriate to further amend the Official Plan as adopted by Niagara Region for the Regional Municipality of Niagara,

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the text attached hereto is hereby approved as Amendment ____ to the Official Plan for the Regional Municipality of Niagara.
2. That the Regional Clerk is hereby authorized and directed to give notice of Council's adoption in accordance with Section 17(23) of the Planning Act, 1990.
3. That this By-Law shall come into force and take effect on the day after the last day of appeal provided no appeals have been received.

THE REGIONAL MUNICIPALITY OF NIAGARA

Original signed on: _____

James Bradley, Regional Chair

Original signed on: _____

Ann-Marie Norio, Regional Clerk

Passed:

Amendment No. XX

To the Official Plan for the Regional Municipality of Niagara

PART “A” – THE PREAMBLE

The preamble provides an explanation of the Amendment including the purpose, location, background, and basis of the policies and implementation, but does not form part of this Amendment.

- Title and Components
- Purpose of the Amendment
- Location of the Amendment
- Background
- Basis for the Amendment
- Implementation

PART “B” – THE AMENDMENT

The Amendment describes the additions and/or modifications to the Official Plan for the Regional Municipality of Niagara, which constitute Official Plan Amendment No. XX

- Text Changes
- Map Changes

PART “C” – THE APPENDICES

The Appendices provide information regarding public participation and agency comments relevant to the Amendment, but do not form part of this Amendment.

PART “A” – THE PREAMBLE

TITLE AND COMPONENTS:

This document, when approved in accordance with Section 17 of the Planning Act, 1990, shall be known as Amendment XX to the Official Plan of the Regional Municipality of Niagara.

- Part “A” – The Preamble, contains background information and does not constitute part of this Amendment.
- Part “B” – The Amendment, consisting of map and text changes, constitutes Amendment XX to the Official Plan of the Regional Municipality of Niagara.
- Part “C” – The Appendices, does not constitute part of the Amendment. These Appendices contain information related to public involvement and agency comments associated with the Amendment.

PURPOSE OF THE AMENDMENT:

The purpose of this Amendment is to add to Section 8.8, the site specific policies, to permit the Port Colborne Quarries Pit 3 expansion. The amendment also includes the addition of the subject lands on Schedule H – *Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations* as a Licensed Aggregate Operation.

LOCATION OF THE AMENDMENT:

The amendment area is within the City of Port Colborne reflecting part of Lots 17, 18 and 19, Concession 2 (formerly the Township of New Humberstone) and Plan 59R 16702 and bounded by Regional Road 84 (Miller Road), Provincial Highway 3 (Main Street) and Second Concession Road.

BACKGROUND:

The subject lands are identified by the Niagara Region Official Plan Schedule H as being within a Stone Resource Area. The applicant (Port Colborne Quarries Inc.) participated in pre-submission consultation and subsequently submitted the requested and prescribed planning justification and technical reports to satisfy numerous planning instruments including the Provincial Policy Statement, (2020), Growth Plan for the Greater Golden Horseshoe (2020), Niagara Region Official Plan, and the City of Port Colborne Official Plan.

BASIS FOR THE AMENDMENT:

- a) The Amendment was the subject of a Statutory Public Meeting held under the Planning Act, 1990 on March 8, 2023. Public and agency comments were addressed as part of the preparation of this Amendment.
- b) The Regional Official Plan Amendment will allow the Council of the City of Port Colborne to make a decision on a Local Official Plan Amendments and on the rezoning of the lands from Agriculture to Mineral Aggregate Operation. The rezoning of the lands will allow the Minister of Natural Resources and Forestry to make a decision to issue a quarry licence under the Aggregate Resources Act.
- c) Based on the Region's review of the Planning Act, 1990, the Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2020), the Regional Official Plan, and public and agency consultation, Regional staff is of the opinion that the Amendment is consistent, or does not conflict, with Provincial and Regional policies and plans and, therefore, represents good planning.

IMPLEMENTATION:

Section 7, Implementation of the Official Plan for the Regional Municipality of Niagara, shall apply where applicable.

PART “B” – THE AMENDMENT

Amendment XX

To the Official Plan for the Regional Municipality of Niagara

The Official Plan for the Regional Municipality of Niagara is amended as follows:

Text Changes:

1. Add a new Policy 8.8.2 to the site specific policies in Chapter 8 to permit the Port Colborne Quarries Pit 3 expansion:

Notwithstanding other policies in this Plan, an expansion to the existing Port Colborne Quarries Inc. quarry is permitted eastwardly on an approximately 84.7 hectare (215 acre) site located on the lands bounded by Regional Road 84 (Miller Road), Provincial Highway 3 (Main Street) and Second Concession Road, on Part Lot 17, 18, 19 Concession 2 and Plan 59R-16702 in the City of Port Colborne.

Map Changes:

1. “Schedule H – “Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations” is amended to add and the subject lands to the map denoting Licensed Aggregate Operations as per the corresponding legend.
2. A site-specific location map will be added to Chapter 8 following the new Policy 8.8.2 showing the subject lands as follows:



Appendix 3 to PDS 5-2023

Port Colborne Quarries – Proposed Pit 3 Extension

ROPA, LOPA, ZBLA Applications – List of Technical Material Submitted

Documents can be accessed on the Port Colborne Quarries Website:

[Port Colborne Quarry PIT 3 Application](https://portcolbornequarries.ca/quarry-expansion-document) (https://portcolbornequarries.ca/quarry-expansion-document)

Item	Date Submitted
1. Planning Justification Report, prepared by IBI Group (dated February 17, 2021)	• March 17, 2021 (1 st Submission)
2. Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated September 22, 2020)	• March 17, 2021 (1 st Submission)
3. Stage 1 and 2 Archaeological Assessment, prepared by Golder Associates Inc. (dated November 24, 2020)	• March 17, 2021 (1 st Submission)
4. Stage 1 and 2 Archaeological Assessment - Supplementary Documentation, prepared by Golder Associates Inc. (dated November 24, 2020)	• March 17, 2021 (1 st Submission)
5. Cultural Heritage Screening Report, prepared by Golder Associates Inc. (dated July 17, 2020)	• March 17, 2021 (1 st Submission)
6. Land Use Compatibility / Sensitive Land Use Study, prepared by IBI Group (dated January 8, 2021)	• March 17, 2021 (1 st Submission)

Item	Date Submitted
7. Air Quality Impact Assessment, prepared by Golder Associates Inc. (dated December 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
8. Best Management Practices Plan for the Control of Fugitive Dust (BMPP), prepared by Golder Associates Inc. (dated December 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
9. Noise (Acoustical) Impact Study, prepared by Golder Associates Inc. (dated December 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
10. Blasting (Vibration) Impact Assessment, prepared by Golder Associates Inc. (dated July 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
11. Financial Impact Assessment / Economic Benefits, prepared by IBI Group (dated June 8, 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
12. Hydrological Assessment, prepared by Golder Associates Inc. (dated November 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
13. Hydrogeological Assessment, Level 1 / 2 Water Resources Study, prepared by Golder Associates Inc. (dated October 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
14. Natural Environment Level 1 & 2 Report (EIS), prepared by Golder Associates Inc. (dated October 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
15. Tree Preservation Plan, prepared by IBI Group (dated October 16, 2020);	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
16. Comprehensive Rehabilitation Strategy, prepared by IBI Group (dated October 30, 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)

Item	Date Submitted
17. Social Impact Assessment, prepared by IBI Group (dated January 8, 2021)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
18. Traffic Impact Study, prepared by IBI Group (dated October 19, 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
19. Visual Impact Assessment, prepared by IBI Group (dated December 23, 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
20. Completed Application to Amend the Regional Official Plan	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
21. Draft Regional Official Plan Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
22. City of Port Colborne – Application for Official Plan Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
23. Draft City of Port Colborne Official Plan Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
24. City of Port Colborne – Application for Zoning By-Law Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
25. Draft City of Port Colborne Zoning By-Law Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
26. Public Consultation Plan, prepared by IBI Group (dated March 15, 2021)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
27. Site Plan Drawings (1-8), prepared by IBI Group (dated February 9, 2021)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
28. Landscaping Plans (1-2), prepared by IBI Group (dated December 21, 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
29. Phase One Environmental Site Assessment (ESA), prepared by Golder Associates Inc. (dated June 16, 2021)	<ul style="list-style-type: none"> June 2021

Item	Date Submitted
30. Conceptual Soil Management Plan, prepared by Golder Associates Inc. (dated June 28, 2021)	<ul style="list-style-type: none"> • June 2021
2nd Submission	
31. PCQ Application – 2nd Submission Cover Letter, prepared by IBI (dated January 31, 2022)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)
32. Revised Planning Justification Report, prepared by IBI Group (dated January 28, 2022)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)
33. AIA Response to JART Comments Letter, prepared by Colville Consulting Inc. (dated October 5, 2021)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)
34. Updated Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated October 18, 2021)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)
35. Financial Impact Assessment / Economic Benefits – Revised Report, prepared by IBI Group (dated October 20, 2021)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)
36. Response to JART Hydrology Peer Review Comment – Technical Memorandum, prepared by Golder Associates Inc. (dated January 28, 2022)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)
37. Response Letter to MTO Comments, prepared by IBI Group (dated October 20, 2021)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)
38. Revised Hydrogeological Assessment, Level 1 / 2 Water Resources Study, prepared by Golder Associates Inc. (dated October 2021)	<ul style="list-style-type: none"> • January 31, 2022 (2nd Submission)

Item	Date Submitted
39. Revised Land Use Compatibility / Sensitive Land Use Study, prepared by IBI Group (dated December 15, 2021)	<ul style="list-style-type: none">January 31, 2022 (2nd Submission)
40. Addendum to the Noise Impact Assessment Report – Technical Memorandum, prepared by Golder Associates Inc. (dated January 21, 2022)	<ul style="list-style-type: none">January 31, 2022 (2nd Submission)
41. Response to the Joint Agency Review Team Letter - Air Quality Impact Assessment – Technical Memorandum, prepared by Golder Associates Inc. (dated December 10, 2021)	<ul style="list-style-type: none">January 31, 2022 (2nd Submission)
42. Addendum to the Air Quality Impact Assessment Report – Technical Memorandum, prepared by Golder Associates Inc. (dated January 14, 2022)	<ul style="list-style-type: none">January 31, 2022 (2nd Submission)
43. Response to Comment Letter from Joint Agency Review Team (JART) [Blasting (Vibration) Impact Assessment], prepared by Golder Associates Inc. (dated October 4, 2021)	<ul style="list-style-type: none">January 31, 2022 (2nd Submission)
44. Flyrock Impact Assessment – Technical Memorandum, prepared by Golder Associates Inc. (dated January 7, 2022)	<ul style="list-style-type: none">January 31, 2022 (2nd Submission)
45. Response to JART Comments on the Natural Environment Level 1 & 2 Report (EIS) – Technical Memorandum, prepared by Golder Associates Inc. (dated November 24, 2021)	<ul style="list-style-type: none">January 31, 2022 (2nd Submission)
46. Supplemental Bat Survey in Support of the Natural Environment Level 1 & 2 Report (EIS) – Technical Memorandum, prepared by Golder Associates Inc. (dated January 31, 2022)	<ul style="list-style-type: none">January 31, 2022 (2nd Submission)

Item	Date Submitted
47. Revised Comprehensive Rehabilitation Strategy, prepared by IBI Group (dated December 15, 2021)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
48. Revised Social Impact Assessment, prepared by IBI Group (dated December 15, 2021)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
49. Revised Visual Impact Assessment, prepared by IBI Group (dated December 15, 2021)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
50. Revised Site Plan Notes (dated January 13, 2022)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
51. Revised Site Plan Notes – with changes noted (dated January 13, 2022)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
52. Revised Site Plan Drawings (1-9), prepared by IBI Group (dated November 15, 2021)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
53. Response to JART Hydrogeology Peer Review Comments, prepared by Golder (dated October 1, 2021)	<ul style="list-style-type: none"> May 16, 2022
54. Additional Response to Updated Peer Review Hydrogeological/Ground Water Study, Port Colborne Quarries Pit 3 Extension – Technical Memorandum, prepared by Golder (dated May 16, 2022)	<ul style="list-style-type: none"> May 16, 2022
55. Review and Entry into the Ontario Public Register of Archaeological Reports: Stage 1 & 2 Archaeological Expansion – PCQ Expansion, prepared by the Ministry of Heritage, Sport, Tourism, and Culture Industries (dated February 15, 2021)	<ul style="list-style-type: none"> May 30, 2022

Item	Date Submitted
56. Comment Letter on ARA Application, prepared by the Ministry of Natural Resources and Forestry (dated May 5, 2021)	<ul style="list-style-type: none"> September 7, 2022
3rd Submission	
57. 3rd Submission Covering Letter and Updates to Planning Justification Report, prepared by IBI (dated October 4, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
58. Revised Site Plan Drawings, prepared by IBI (various dates)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
59. Revised Site Plan Notes (with changes highlighted), prepared by IBI Group (dated October 3, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
60. Updated Financial Impact Assessment and Economic Benefits Analysis, prepared by IBI Group (dated June 20, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
61. Hydrology/Surface Water Comment Table, prepared by WSP/Golder (dated August 25, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
62. Additional Response to Updated Peer Review Hydrogeological/Groundwater Study, Port Colborne Quarries Pit 3 Extension – Technical Memorandum, prepared by Golder (dated August 18, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
63. Response to JART Comments on the Natural Environment Level 1 & 2 Report - Technical Memorandum, prepared by WSP/Golder (dated August 31, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
64. Revised Figure 5 for the Comprehensive Rehabilitation Plan, prepared by IBI Group (dated August 29, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)

Item	Date Submitted
65. Copy of the IBI Group E-mail dated May 30, 2022 addressing traffic related concerns & Updated Traffic Impact Study, prepared by IBI Group	<ul style="list-style-type: none">October 4, 2022 (3rd Submission)
66. Updated Memo to Paul Marsh re: Wignell Drain Realignment, prepared by IBI Group (dated October 3, 2022)	<ul style="list-style-type: none">October 4, 2022 (3rd Submission)
67. Air Quality Study Response E-mail (dated August 22, 2022)	<ul style="list-style-type: none">October 5, 2022
68. Technical Memorandum – Response to JART – Request for Supplemental Information Related to the Noise Impact Assessment (dated December 3, 2021)	<ul style="list-style-type: none">October 5, 2022
69. Response to JART Letter – Air Quality Impact Assessment, prepared by Golder (dated December 10, 2021)	<ul style="list-style-type: none">October 20, 2022
70. Addendum to the Hydrological Assessments, prepared by WSP/Golder (dated December 5, 2022)	<ul style="list-style-type: none">December 5, 2022
71. Response to MNRF Comments on the Natural Environment Report, prepared by WSP/Golder (dated December 6, 2022)	<ul style="list-style-type: none">December 8, 2022
72. Technical Memorandum documenting 2022 Natural Environment Surveys, prepared by WSP/Golder (dated December 16, 2022)	<ul style="list-style-type: none">December 19, 2022

Appendix D

Public Comments Received

APPENDIX D - Public Comments

Norman, Sean

From: [REDACTED]
Sent: Monday, August 8, 2022 3:23 PM
To: brent.armstrong@ontario.ca
Cc: ARAApprovals@ontario.ca; David.Sisco@ibigroup.com; JMacLellan@rankinconstruction.ca; stylee@rankinconstruction.ca; Norman, Sean; David Schulz; D Deluce; Llee Yates; nicole.rubli@portcolborne.ca; Alana VanderVeen; steve.shypowskyj@portcolborne.ca; Robert Henderson; Butters, Barbara; Harry Wells; Ron Bodner; Cindy Mitchell; Robert Henderson; klauckkat@gmail.com
Subject: Proposed Class A, Category 2 ARA License, Port Colborne Quarries Inc, ARA Application 626511
Attachments: Appendix 5 - Phase 3 Objections.pdf; Objections to Application 626511 PCQ Pit 3 Extension - Rehabilitation Focus.pdf; Reply to IBI 20-day Final Notice.pdf; Phase 3 Volume Calculations.pdf; Comments for Rejection of Phase 3 Extension August 2022.pdf; PTR_PCQI_PlanningJustificationReport_Expansion Page 7 (15 including index).pdf

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Dear Brent Armstrong,

In my letter of April 30, 2021 to ARAApprovals, (attached), I made the following comment:

"The justification for quarrying of the Phase 3 area does not match the potential volumes of aggregate in the other zones. See APPENDIX 5 (attached) for calculations and commentary."

This objection has not been addressed by Port Colborne Quarries Inc, and I have not withdrawn this objection in my letter of July 20, 2022 (attached).

Attached is a further letter based on information provided in the latest Hydrogeological Report 1771656 by Golder (Rev 3) dated 01Oct2021, attached page 7 of the Justification Report, and the latest proposal for the Wignell Drain realignment under the Drainage Act by the City of Port Colborne.

Respectfully,

[REDACTED]

APPENDIX 5

Review of Phase 3 quarrying proposal

Hydrogeological Report (Golder, 2020):

Page 52 – Map of Ground levels: Phase 3, 182 – 183 masl

Page 54 – Map of Top of Williamsville Unit level: Phase 3 Middle +/- 174 masl

- North 172 – 173
- North Centre 173 – 174
- Centre South 174 – 175
- South 175 – 176

Page 56 – Map of Bottom of Falkirk Unit: Phase 3 area +/- 170 masl

Overburden thickness: 8m – 10m (182masl minus 172/174masl)

Suitable Aggregate to bottom of Falkirk Unit: 2m - 4 m average thickness (172-174masl minus 170masl)

Area of Phase 3: +/- 4 ha (40,000 m²), less setbacks and sloping of overburden

Volume of aggregate available: < 160,000 m³ (40,000m² x <4m) = < 430,000 tonnes

Total aggregate in entire expansion area: 40M – 50M tonnes

Volume available in Phase 3 = less than 1% of total on site

Expansion into the north portion of Phase 3 will cut off the Wignell Drain east branch which extends into the wetlands and woodlands.

Expansion into the north portion of Phase 3 will create a third side of drainage and create a peninsula for the wetlands and woodlands.

Expansion into the north portion of Phase 3 will restrict movement of species and wildlife.

Planting now will promote the corridor for wildlife movement to the north side of 2nd Concession Road.

PHASE 3 AGGREGATE QUANTITY ASSESSMENT

LOCATION	TOP OF GROUND ELEVATION	TOP OF BEDROCK	OVER BURDEN	BASE OF WILLIAMSVILLE UNIT	BASE OF FALKIRK UNIT	THICKNESS OF FORMATION IN METRES	AREA IN HECTARES	VOLUME IN CUBIC METRES	TONNAGE IN METRIC TONNES
Page 53	Page 54	Page 56	Page 55	Page 57	Page 58	Page 73	Page 51	Thickness X Area	At 2.5 T/m ³
North (17-1)	182 -183	172 - 173	8 - 10	172 - 173	169	3.5	0.9	31,500	78,750
Centre (17-10)	182 -183	173 - 175	8 - 10	173 - 175	170	4	0.9	36,000	90,000
South (17-2/3)	182 -183	175 - 177	6 - 8	174 - 175	170	6	0.9	54,000	135,000
TOTAL/AVERAGE	182.5	174.1	8	173.5	169.6	4.5	2.7	121,500	303,750

SOURCE: GOLDER
 FINAL REPORT
 Hydrogeological Assessment, Level 1 / 2
 Water Resources Study
 Proposed Port Colborne Quarries Pit #3 Extension
1771656-1000-Rev3
 October 2021

COMPARISON **112,500 T/Ha**
 71.1 Ha including the 2.7 Ha Phase 3, will yield 45,000,000 T (Estimate average by Golder)
632,900 T/Ha Total Area **vs** **112,500 T/Ha Phase 3 Area**
2 - 4 m AVERAGE overburden, compared to **6 - 10 m PHASE 3** overburden

Via E-mail attachment and Registered Canada Post

From:



July 20, 2022

To:

Port Colborne Quarries Inc.
c/o Shawn Tylee
222 Martindale Road,
P.O. Box 1116
St. Catharines, ON L2R 7A3
STylee@RankinConstruction.ca

Ministry of Northern Development, Mines,
Natural Resources and Forestry
Integrated Aggregate Operations Section
4th Floor South, 300 Water Street
Peterborough, Ontario K9J 3C7
NDMNRF File #626511
ARAApprovals@ontario.ca

David R Sisco
IBI Group
101 – 410 Albert Street
Waterloo, ON N2L 3V3
David.Sisco@IBIGroup.com

**Re: Proposed Class A, Category 2 ARA License
Port Colborne Quarries Inc. Pit 3 Extension
ARA Application 626511, City of Port Colborne**

Dear Mr. Sisco,

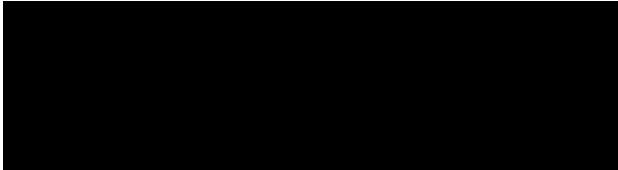
I have received your 20-day final notice letter per Section 4.3.3.1 of the Aggregate Resources Act, dated July 8, 2022, and the attachment of your letter attempting to resolve my outstanding issues dated April 12, 2022.

You have listed the outstanding issues presented in my response letter dated April 24, 2022. You identified one change to note 15 of the General Site Plan. There is no discussion related to the other significant number of issues and objections raised in my response letter and which is attached for your convenience.

Based on the contents of your letter dated July 8, 2022, I see no substantial change in the proposals related to the subject application. The letter simply provides a tabulation of the parties to which the application was distributed, and does not include the responses provided by these agencies.

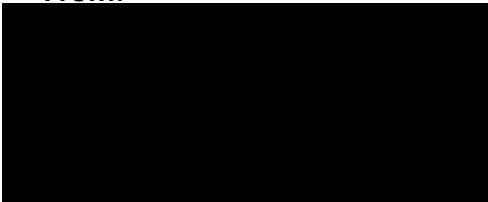
Based on the above, I retain my standing as objecting to the issues raised in my letter of April 24, 2022.

Sincerely,

A large black rectangular redaction box covering the signature and any accompanying text.

Via E-mail Attachment

From:



August 8,

To:

Brent Armstrong,
Ministry of Northern Development, Mines,
Natural Resources and Forestry
Integrated Aggregate Operations Section
4th Floor South, 300 Water Street
Peterborough, Ontario K9J 3C7
NDMNRF File #626511
Brent.Armstrong@Ontario.ca

**Re: Proposed Class A, Category 2 ARA License
Port Colborne Quarries Inc. Pit 3 Extension
ARA Application 626511, City of Port Colborne**

Dear Brent Armstrong,

In my letter of April 30, 2021 referencing ERO Posting 019/3450, I made the following comment:

"The justification for quarrying of the Phase 3 area does not match the potential volumes of aggregate in the other zones. See APPENDIX 5 for calculations and commentary."

Appendix 5 is attached for simplicity.

This objection has not been addressed by Port Colborne Quarries Inc., and I have NOT withdrawn this objection in my letter of July 20, 2022.

Attached as APPENDIX 5B is a detailed calculation of the available volume of aggregate in Phase 3, based on information provided in the most recent Hydrogeological Report 1771656 (Rev 3) dated 01Oct2021 by Golder. This is a large file and secured so the applicable pages cannot be copied separately but it is available at:

[https://img1.wsimg.com/blobby/go/5bb15ff2-4ecb-4ed6-8e96-d0975a774598/downloads/g_1771656%20\(1000-1004\)-R-Rev3-01Oct2021-Rankin%20.pdf?ver=1648734549159](https://img1.wsimg.com/blobby/go/5bb15ff2-4ecb-4ed6-8e96-d0975a774598/downloads/g_1771656%20(1000-1004)-R-Rev3-01Oct2021-Rankin%20.pdf?ver=1648734549159)

The contours of the bedrock units are not extended into Phase 3 on Pages 57 – 58 / 417.

The calculations are based on the information made available in the above Report and indicate the removal of aggregate from the north of Phase 3 will require the removal of up to 12 m of overburden, to access a 3.5 m thickness of aggregate. This is approximately 15% of the aggregate available per hectare throughout the rest of the site, and require 3 – 8

times the removal of overburden. The overburden at over 1.5 m depth will be required by MOL to be sloped at minimum of 1:1 ratio, or sheeted, further reducing the area of accessible aggregate or requiring extensive structural support. The amount of overburden required to be removed to access such an insignificant volume of aggregate is extensive, and will expose the adjacent wetland to significant environmental impact.

The mining of Phase 3, as identified in Appendix 5, will create a peninsula for the wetland/woodland, and would require a realignment of the Wignell Drain.

It should also be noted that Phase 3 is the last and smallest phase in a 40 - 50 year expected life of the PCQ Pit 3 extension. The life expectancy of Phase 3 is 3 - 4 months based on the reference Report and the annual license volume for which PCQ is applying. If Phase 3 were to be approved, review of the potential for realignment of the Wignell Drain should not even be contemplated for 40+ years or much closer to the end of life of Pit 3 extension.

It should be noted that Phase 3 is only accessible if the Wignell Drain is relocated. It is important to understand that instead of the realignment being included in the ARA License application, it is being pursued under the Drainage Act.

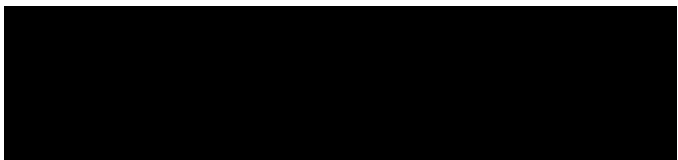
Realignment of the Wignell Drain as most recently proposed would deprive the wetland of drainage from approximately 150 Ha of agricultural and woodlot tributary area. This potential impact has not been analyzed through a surface/subsurface water balance of the wetland.

Realignment of the Wignell Drain, or more appropriately non-realignment of the Wignell Drain, should be a major consideration for the protection of the wetlands and woodlands through which the drain currently flows.

In the case of a recent similar license application, the applicant was required to monitor the water levels in the adjacent wetland on a weekly basis. If it was found that the water levels were being depleted, a condition of license was that the applicant was required to replenish the water level by pumping groundwater into the wetland. As a minimum, if Phase 3 is ever rezoned and licensed, this should be a requirement to protect the wetland.

In summary, I respectfully submit that approval of Phase 3 and the realignment of the Wignell Drain presents the ideal method to permanently destroy the adjacent wetland. The above demonstrates Phase 3 lands should not be rezoned to Mineral Aggregate Operations in the Region of Niagara Official Plan or the City of Port Colborne Official Plan or Zoning Bylaw, and should not be licensed for aggregate extraction under the Aggregate Resources Act.

Sincerely,

A large black rectangular redaction box covering the signature and name of the sender.

Cc:

Port Colborne Quarries Inc. c/o Shawn Tylee STylee@RankinConstruction.ca

Ministry of Northern Development, Mines, Natural Resources and Forestry
Integrated Aggregate Operations Section NDMNRF File #626511 ARAApprovals@ontario.ca
David R Sisco, IBI Group David.Sisco@IBIGroup.com
Rankin Construction c/o John Maclellan JMaclellan@RankinConstruction.ca
Region of Niagara c/o Sean Norman Sean.Norman@NiagaraRegion.ca
City of Port Colborne c/o David Schulz David.Schulz@PortColborne.ca
City of Port Colborne Nicole Rubli Nicole.Rubli@PortColborne.ca
City of Port Colborne Alana Vanderveen Alana.Vanderveen@PortColborne.ca
City of Port Colborne Steve Shypowskyj Steve.Shypowskyj@PortColborne.ca
Niagara Peninsula Conservation Authority David Deluce DDeluce@NPCA.ca
Niagara Peninsula Conservation Authority Leilani Lee-Yates LLee-Yates@NPCA.ca
Niagara Water Protection Alliance theNWPA@gmail.com
Region of Niagara Councillor Barb Butters Barbara.Butters@NiagaraRegion.ca
City of Port Colborne Councillor Ron Bodner Ron.Bodner@PortColborne.ca
City of Port Colborne Councillor Harry Wells Harry.Wells@PortColborne.ca
Port Colborne JART PLC Cindy Cosby CindyCosby@hotmail.com
Port Colborne JART PLC Robert Henderson JRH013@ymail.com
Port Colborne JART PLC Katherine Klauck KlauckKat@gmail.com

Subject Site

- A - Agricultural
- EC - Environmental Conservation

Abutting Lands owned by PCQ

- MAO Mineral Aggregate Operations

Other Surrounding Lands

- A Agricultural
- AR Agricultural Residential
- APO Agricultural Purposes Only
- EP Environmental Protection

4 Aggregate Quality and Quantity

According to the Ontario Geological Survey: Aggregate Resources Inventory Paper ARIP No. 117 published in 1985 by the Ministry of Northern Development and Mines, for Niagara Region, the subject lands are identified as a *Selected Bedrock Resource Area, Deposit No. 3a*. They are part of the Onondaga Bedrock Formation and belong to the Edgecliff Member. This stone type is suitable for lower specification crushed stone, although material suitable for concrete and asphalt aggregate may be available at greater depths. Depth of overburden is estimated to be between 0 and 8 metres 25 feet and consists predominantly of glacio-lacustrine clay. Specific on-site investigations by Golder confirmed that the site has a variable overburden thickness which increases in depth at the north extent. Portions of the southern property have a very shallow depth overburden being 0.5 - 2.0 metres and upwards to 4.0 metres thick. However, in the northern extent, the overburden thickness increases to as much as 10-12 metres thick.

As noted above, the surface topography is generally level, with an overall relief of 3.0 - 4.0 metres across the entire site, with a gentle sloping to the south. The depth of accessible bedrock underlying the site, which includes both the Williamsville Unit and Falkirk Unit, both which are somewhat variable in thickness, range from 8.0 metres to 16.0 metres thick.

Golder has undertaken reserve estimates of the available bedrock resources and concluded that there is approximately 40 to 50 million tonnes. The quality of the rock is consistent with that historically and currently being extracted by Port Colborne Quarries Inc. at their existing Pit 3 operations abutting and to the east and the rock meets a large range of provincial road building technical specifications.

For further details, refer to Appendix J: Hydrogeological Assessment, Level 1 / 2 Water Resources Study, Golder Associates Inc., dated October 2020.

5 Soil Classifications

Section 2.1.2 of the Aggregate Resources Act (Report Standards for Category 2 Applications states: *"the agricultural classification of the proposed site, using the Canada Land Inventory classes" must be included in this report, and "for the lands being returned to agriculture, the proposed rehabilitation techniques must be identified"*.

An Agricultural Impact Assessment was undertaken by Colville Consulting Inc. dated July 2020 and the following is a summary of the data compiled from that report for the 'extraction area'.

Via E-mail attachment and Canada Post

From:



April 30, 2021

To:

The Applicant
c/o Shawn Tylee
Port Colborne Quarries Inc.
222 Martindale Road, P.O. Box 1116
St. Catharines, ON L2R 7A3
STylee@RankinConstruction.ca

Ministry of Natural Resources and Forestry
Integrated Aggregate Operations Section
4th Floor South, 300 Water Street
Peterborough, Ontario K9J 3C7
ARAAggregates@ontario.ca

Objections to: Application No. 626511

Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

Planning Justification Report and Comprehensive Rehabilitation Strategy

Rehabilitation: Past, Present and Future

General Observations

It is understood that pits and quarries are a necessary activity and land use, and that they must be located where the resource exists.

The demand for aggregates and the accommodations of the Provincial Policy Statement (PPS) do not override the protection of the environment, the existing land use constraints, and the legal rights of adjacent properties. It is expected that the activity will be carried out with minimal impact to the environment, local property owners, and infrastructure.

It is expected that commitments made to obtain a license will be honoured, and that the commitments will be enforced.

It is also recognized that reduction of aggregate resource depletion by such means as recycling is encouraged, however, this should not be conducted in areas which can cause any contamination of the groundwater/aquifer, neither in the interim, nor in the future.

Using the same Section and Clause numbering as the Comprehensive Rehabilitation Strategy (CRS) for the proposed Extension of Pit 3 for Port Colborne Quarries, and supplemented by the Planning Justification Report (PJR), the following comments and objections are raised:

2 Policy Framework for Comprehensive Rehabilitation

- There is an inconsistency in the annual quantity (tonnage) of aggregate to be removed. The video power point on the Port Colborne Quarries (PCQ) website indicates an amount of 1.815M tonnes, and the Planning Justification Report, page 16, identifies the quantity as 1.8815M tonnes. Which is correct?
- In the Site Plan Notes, Page 2, Tonnage, the area designated for extraction is 64.9 ha. In the Planning Justification Report, Page 1, Summary, the area for extraction is 71.1 ha. Which document is correct?
- In several reports, the discussion of final rehabilitation suggests berms will be removed as part of final relinquishing of the license. However, in the Planning Justification Report Page 76, “7. All existing on-site / external perimeter berms shall remain in place for the Port Colborne Quarries Inc.: Pit 1, Pit 2 and Pit 3 lands.” The timing of the removal of each of the berms of each pit should be clearly identified by calendar dates and not to phasing or “progressive” rehabilitation, as the berm material is required for the rehabilitation of the embankments.

3 Existing Extraction Sites

3.1 Pit 1

- Pit 1 quarrying was commenced approximately 1954-1955, as identified in the Planning Justification Report. This relates to the overview of Section 3 on page 2 of the Comprehensive Rehabilitation Strategy where it is stated extraction has extended over the past +65 years.
- Describing the 5.27 ha southwest corner of Pit 1 on Page 4 the PJR states “These lands are undisturbed and are occupied by a grove of trees.” It is obvious from this statement that no site confirmation was conducted. The lands designated as Light Industrial (formerly Highway Commercial) were cleared of trees inflicted by emerald ash borer in 2017, and then subsequently completely decimated of all remaining trees in 2018. A photograph taken April, 2021 is included in APPENDIX 1.
- Photos of the current state of rehabilitation of Pit 1 are provided in APPENDIX 1.
- In addition to the many concerns expressed at the Public Information Centre (PIC) of April 14, 1981, were concerns about progressive and final rehabilitation. The minutes of this meeting are attached as APPENDIX 4, to verify the previous statement.
- Commitments in the 1982 Site Plan Agreement (SPA) for Pit 2 included that Pit 1 and Pit 2 would be entirely fenced in 1982, and berms treed, and that has not occurred to 2021. The SPA reflects the concerns of the participants in the 1981 PIC.
- The subsequent details of potential future use of Pit 1 should not even be included in an application for a license for Pit 3 extension. Pit 1 is not licensed, and PCQ is not applying for a license for Pit 1. MNRF have in the past indicated the current license has NO jurisdiction over Pit 1, and in 1994 they struck reference to the Site Plan Agreement between the City and PCQ in an update of license 4444 for Pit 2, on the basis that MNRF could not enforce a third party agreement.
- Suggesting Pit 1 be filled with excess soil under an ARA application for a different site does not meet the criteria of a license condition, and if Pit 1 is not licensed, it is not enforceable under the ARA. The suitability of Pit 1 for

excess soil should not be dealt with under an ARA license but under the City of Port Colborne Site Alteration Permit process.

- The potential for rezoning of Pit 1 does not recognize that the ANSI on the west wall of Pit 1 will become an accessible feature for public visiting.
- Page 2 of the Planning Justification report indicates City of Port Colborne Official Plan (OP) policies regarding rehabilitation. Of particular note is “within a reasonable time”. Pit 1 was depleted prior to enactment of the Pits and Quarries Control Act of 1971. Yet, Pit 1 is far from rehabilitated. The argument is that Pit 1 is still active as a processing site for ongoing activities. However, this does not excuse the current state, without fencing as agreed in the Site Plan Agreement of 1982, vertical faces that are a hazard, and berms that are not maintained.
- The next paragraph in the Justification Report describes that the OP requires rehabilitation “in conformity with adjoining land designations” and “surrounding existing uses”. Existing surrounding land uses were minimized in a report for the rehabilitation of Pit 1, subsequently referenced by IBI, which of note was not formally accepted by the City. The entire north property line of Pit 1 is opposite rural residential dwellings. The entire west property line is opposite Residential Development (RD) zoned property. The entire east property line is opposite property zoned both residential, and property to be rehabilitated to Passive Water Recreation. There is quoted that Pit 1 rehabilitation to mixed use industrial would be compatible to Passive Water Recreation, based on a water level of 173.0 masl, when it is predicted by the Hydrogeological Report that the water level will reach 178.0 masl, which clearly will be inter-visible between Pit 1 and Pit 2.
- It is also required that rehabilitation must restore ecosystem integrity as per the next paragraph, and that includes the restoration of the aquifer. This is not considered in the subsequent proposal for Pit 1.
- There was a commitment in 1982 that Pit 1 would be rehabilitated in conjunction with Pit 2, to compatible to Passive Water Recreation. This is acknowledged in the Planning Justification Report, Page 16: “It is acknowledged that there is some documentation that these lands were also intended to be rehabilitated to a lake”.

- In addition to the above, mixed-use industrial on imported fill, with associated differential ground movement, excludes almost all uses requiring structures, unless deep foundations are provided, and there are other lands in the vicinity much more suited for such development. Use for transfer stations and other at grade uses would definitely not be compatible with existing and future neighbouring residential uses, nor passive recreation uses with a surface water level merely 2 m below surface ground level.
- Quarries of Category 2 are equivalent to giant wells. A landowner who wishes to abandon a well, as small as it may be, must follow strict Provincial guidelines and materials to abandon said well. These same material restrictions should also be required to abandon a Category 2 quarry.
- One justification for Pit 1 rezoning was based on the current OP designation, which is based on Extractive Industrial, which should be recognized for what it is, which is an interim use, and thus a temporary designation.
- The appropriate and most time effective rehabilitation for Pit 1, and the rehabilitation expected and agreeable to the quarry neighbours, is rehabilitation to Passive Water Recreation, as is described as the final rehabilitation of Pit 3.
- During the on-line Public Information Centre on April 20, 2021, John MacLellan of Port Colborne Quarries stated that the filling of Pit 1 with excess soil was “off the table”. However, this is open to interpretation, and is not in writing. This would require that PCQ formally withdraw their request for a SAP from the City of Port Colborne.

3.2 Pit 2

Rationale for licencing of Pit 2 in 1982

- For clarity, the license under the Pits and Quarries Control Act, 1971, (PCQA), Pit 2 was licensed in 1974. In numerous public comments in 2018, PCQ has stated that the quarry preceded the ownership of area residents. In my case, my wife and I purchased our property at 770 Highway #3 (Part Lot 22, Concession 2, Humberstone) in March 1974, before the first PCQA

license for Pit 2. It is also significantly before the 1982 license for Pit 2 expansion and Pit 3, which is partly on property previously owned by us.

- Residents that moved adjacent to the quarry after the granting of the license knew the rehabilitation agreements and expected the rehabilitation in accordance with the timelines in the reports cited above and following.
- The current license for Pit 2, license 4444, was issued in 1982. In the license it is referred to as the West Pit.
- For reference, the property for Pit 2 expansion under ARA license 4444 extending the licensed area under the 1974 PQCA, was purchased by PCQ after 1975, and some additional property acquired in an exchange of property with my wife and I in 1980.
- The expectation was that Pit 2 would be depleted in 2 - 3 years.
- The expectation was that Pit 2 would be progressively rehabilitated and long-term disruption was estimated by PCQ to be 2 - 3 years, as described in Region of Niagara Planning Report DPD 1489, Page 5, dated November 4, 1981, "... that extraction in the proposed expansion area is likely only to last for some 2 years the likelihood of this potential land use conflict is considered minimal." A copy of the above report is appended as APPENDIX 2.
- The expectation was that the time frame for rehabilitation of Pit 2 as described in City of Port Colborne Planning Department Report 82 – 14 dated May 12, 1982 and amended by Planning Committee dated May 19, 1982, would be within 6 months "after completion of extraction of aggregate". A copy of the letter sent by the City of Port Colborne to the MNR on May 21, 1982, item 11, expressed this condition, and a copy of the letter is included as APPENDIX 6.
- It should be noted that in the mid 1980's PCQ was experimenting with different explosives and in addition to on-site fly-rock, there was at least one that went very much astray. The fly-rock extended a distance of at least 100m off site and hit our adjacent house.
- The prevailing winds are from southwest, and when they shift to north or northeast, there is frequent dust carried to adjacent houses.
- "Because progressive rehabilitation is a key component of the Aggregate Resources Act and a policy requirement of the PPS, to date, PCQ has

created side slopes around the perimeter of the proposed lake and initiated an extensive replanting program above what will be the final shoreline.”

This quote is on Page 8 of the PJR, and the description is far from accurate. APPENDIX 3, attached, contains photos showing the current – April, 2021 condition of rehabilitation, and it can safely be said this pit is not ready to have the pumps turned off to allow the pit to fill with water.

- A subsequent suggestion that Babion Road can be removed to connect Pit 2 and Pit 3 would further extend the timeline for final rehabilitation of Pit 2. The intent of the ARA is that roads could potentially be reduced to above the water levels and restored, or “tunnels” constructed to access between adjacent pits during extraction. The roads are intended to be restored.
- PCQ has already acquired Carl Road, which would be the adjacent easterly parallel access between Second Concession and Highway #3. The immediately adjacent parallel road to the west is Snider Road, and it is an unmaintained clay road and can only be accessed by all-terrain vehicles. The distance from Highway #140 and Miller Road is approximately 3.5 kilometers.
- Pit 2 was projected to be depleted +35 years ago, when it was licensed partially on the basis of a short term conflict with adjacent properties. The objective of the progressive rehabilitation of Pit 2 should include immediate completion of the sloped embankments, for imminent discontinuation of dewatering.
- The final rehabilitation should include immediate movement of the processing plant to Pit 3 and turning the pumps off in Pit 2.
- The impact of allowing Pit 2 to fill with water immediately will be that additional dewatering of Pit 3 will extend the cone of influence to the east, and it will be offset by restoration of the aquifer Top Water Level west of Pit 3.
- During the discussion at the PIC on April 20, 2021 it was suggested that the pumped discharge from Pit 3 be directed to Pit 2. The presenter indicated that this would need approval from MNRF. The rationale of this suggestion is that in addition to the rainfall, there is significant infiltration from the quarry faces. This rate of infiltration is estimated in the Hydrogeological Assessment at 72 litres/minute, and a conservative allowance of 10x this

amount. The lower estimate is 4320 litres/hr, or 103 m³/day, which extends to 37,800 m³/year. That will cover 3.78 ha to a 1 metre depth at the minimum rate, and up to 37.8 ha to 1m depth at the conservative rate. The higher estimate amounts to ½m depth over the entire Pit 2 site.

- As quarrying progresses, the amount of rainfall runoff from the site also increases from normal rainfall runoff (Q=AIR). The runoff factor for flat vegetated agricultural land is approximately 0.2 (20%), and for a limestone floor quarry is nearly 1.0 (100%), an increase of 5x. This difference significantly increases the flow in the Wignell drain. That amount can be directed to Pit 2 without changing pre-quarrying flow in the drain, and drastically reduce the time required to restore the aquifer in Pit 2. It will also allow for sediment settling to reduce the sediment load in the Wignell Drain and drain outlet into Lorraine Bay.
- The discussion during the redirection of the dewatering of Pit 3 in the above bullet also included a discussion on creation of a lake in Pit 2 while activity continued in Pit 3. Cost was mentioned as the controlling factor, as Babion Road would be classified as a dam. Structurally the undisturbed rock is > 50m wide (20m ROW and 15m setbacks each side + sloping) to retain a 12m high water level. The faces of Pit 2 can be sealed with geomembranes installed as the embankments are rehabilitated. Vibration/seismic resistance can be created without disturbance of the in-situ rock. These are only a few of the many methods available to PCQ at reasonable cost.
- It appears that with the proponent is proposing is a relinquishing of obligations for Pit 2 rehabilitation
- The PJR suggests a possibility of future consideration of removal of Babion Road to create a single lake to include Pit 2 and Pit 3. From a recent Tribunal decision on a PTTW application: *“The MECP’s SEV states that the MECP must consider “the cumulative effects on the environment, the interdependence of air, land, water and living organisms, and the relationships among the environment, the economy and society”.* Cumulative effects are defined in the Canadian Environmental Assessment Agency, *Cumulative Effects Assessment Practitioners Guide (1999)*, at 2.1, as the *“changes to the environment that are caused by an action in*

combination with other past, present and future human actions". The assessment of cumulative effects is intended to examine the effects of multiple human activities on the environment. It is to ensure that assessments of environmental harm do not focus solely on the impacts of one project without considering the impacts of other human activities interacting and affecting the environment. This requires an assessment of all sources of harm in an area and consideration of the interdependence of air, land, water and living organisms." To consider only Traffic as the decision basis for this proposal does not meet these requirements.

3.3 Pit 3

Past proposal and license requirements for rehabilitation of Pit 3

- Pit 3 was licensed with the extension of Pit 2 in 1982 under ARA license 4444.
- Progressive rehabilitation as described in the site plans includes Phased rehabilitation of Pit 2 was to occur as extraction progressed in Pit 3. Photos appended verify this has not been completed.

Present Application for Pit 3 Expansion

- The timelines in the current application for extension are vague at best. The Phasing does not break down the rehabilitation timelines much more than to a range in decades.
- Phase 1A encompasses more than 70% of the expansion site and relates the progressive rehabilitation to all of Phase 1. Phase 1A is sub-divided into 1a, 1b, 1c, and 1d. These sub phases are not included in the progressive rehabilitation plan schedule. During the PIC of April 20, 2021, the presenter was not able to provide the areas of the various phases and sub-phases. It was suggested this was simply to identify direction of extraction. However, the Operational plans refer to the phasing in the rehabilitation schedule.
- Based on the area of Phase 1A as it compares to the entire expansion area and a total projected life of the expansion of up to 35 years, the operation plan and progressive rehabilitation plan tied to Phase 1A is approximately 20 – 30 years.

- The Phasing of the extraction, and the progressive rehabilitation, should coincide with the operation plan, which suggests stripping of overburden would be in 2 – 3 year increments, and the rehabilitation should align with that schedule, or as a minimum, a 5 year rehabilitation schedule related to calendar year rather than progress of extraction.
- The Site Plan Notes, Page 16, and Page 17 and Page 18: “Progressive Rehabilitation: As full extraction is progressively completed of portions of Phase 1A, the creation of sides slopes will begin. Side slopes will range from the steepest permitted by the ARA being 2(v) : 1(h) to a shallower slope of 4(v) : 1(h) and will be designed generally as shown on the Final Rehabilitation Plan but subject to site conditions.” The slope designation in this paragraph are incorrect, and should be 2(h) : 1(v), 4 (h) : 1 (v) etc. to be consistent with other reports and the license drawing notes. Since the natural angle of repose of saturated soils is generally about 15°, this requires a 4 (h) : 1 (v) to be stable under water. This characteristic is displayed in the backfill placed along some of the south wall of Pit 1 which was originally placed at a steep angle and is now sloughed due to an unconstrained wet condition. This suggests that the minimum slope should be 4 (h) : 1 (v).
- Blasting has been reviewed in an accompanying report, but it has been residents experience that the current conditions are not followed. There are frequent blasts during overcast weather that create excessive air concussions.
- The Hydrogeological Assessment Report extensively reviews monitoring of recently installed wells. The report does not analyze the designation of the extension area as Significant Groundwater Recharge Area (SGRA). Changing the area to a quarry removes the SGRA designation and the significant contribution of the surface water/rainfall to the aquifer. This includes the current contribution to the wells within the cone of influence of the proposed expansion.
- The hydrological and hydrogeological reports are focussed on the life of the quarry activity. There is no mention of the post-quarry impact and what is required prior to relinquishing the license. During the PIC on April 20, 2021 this was mentioned. The response was that the MNRF will require how

extensively the quarry floor will need to be cleaned prior to allowing the site to become filled with water. This same MNRF scrutiny must be applied to Pit 2, and it should be written into the license.

- The Hydrogeological Assessment Report assess the impact as if this proposal is a stand-alone quarry but does not assess the extension of the existing east-west 2200m long quarry by a proposed additional 1000m. A Cumulative Impact Assessment (CIA) of the groundwater would predict the extension of the cone of influence on the aquifer at the middle of this groundwater interceptor trench. Principle No. 4 of the MECP's Permit to Take Water Manual, dated April 2005 ("Permit Manual"), states that the MECP must consider the cumulative impacts of water takings, take into account relevant information on watershed/aquifer conditions, and may initiate a watershed scale or aquifer scale assessment beyond a local-scale impact assessment. It is suggested that applications for a Permit to Take Water (PTTW) include the CIA and that the PTTW for Pit 1 and Pit 2 be for a period of 5 years and the progress on rehabilitation of Pit 1 and Pit 2 reflect the commitment and reduction of the impact on the aquifer. This will also provide the data to verify the reduction of the cone of influence when Pit 1 and Pit 2 are no longer dewatered.
- The expansion of Pit 3 will create an even greater trough for an extremely long period of time unless progressive rehabilitation proceeds in a timely manner with directly stipulated dates. Repeating an earlier quote: *"The MECP's SEV states that the MECP must consider "the cumulative effects on the environment, the interdependence of air, land, water and living organisms, and the relationships among the environment, the economy and society". The assessment of cumulative effects is intended to examine the effects of multiple human activities on the environment. It is to ensure that assessments of environmental harm do not focus solely on the impacts of one project without considering the impacts of other human activities interacting and affecting the environment. This requires an assessment of all sources of harm in an area and consideration of the interdependence of air, land, water and living organisms."* The cumulative impact can be partially mitigated with proper and timely rehabilitation.
- The rehabilitation plan in the Planning Justification Report is contradictory in that the Planning Justification Report, and in the Site Plan Notes, Page 6,

the berms will be retained, and on Page 19 it states the berms will be removed and used for sloping the quarry walls. “Berm Removal: As much of the on-site berms as possible will be removed once quarrying is complete with the subsoil and topsoil used to rehabilitate the final quarry side slopes above the final water limit (178.0 masl). However, where planted vegetation has grown and become mature on the exterior side of the berms, those portions of the berms may be retained.” The timing of the removal of the berms needs to be clarified.

- In accordance with the ARA, asphalt recycling and recycled aggregate storage is not permitted in the groundwater table. The Planning Justification report, page 14, states: “Within the existing facility (Pit 2) and as part of the proposed facility (Pit 3), PCQ will continue to undertake the off-site recycling of aggregate related resources (i.e., asphalt, concrete). The Site Plan Notes, Page 5: “24. Recycling: Recycling of asphalt and concrete will not be permitted on this site.” The conflicting statements should clearly prohibit this activity in the groundwater table. Also of note, Pit 2 is not licensed for aggregate recycling of imported materials.
- Recycling of aggregate is no longer included in the license annual limits. However, the estimated timeline for extraction, and by extension the time for progressive and final rehabilitation, will be extended if this reduces the demand for virgin aggregate from this site.
- The measured distance from the east wall of Pit 3 to the west wall of Pit 1 is 2200 m. This is the approximate distance the internal haulage vehicles must travel for each load of aggregate hauled to the current location of the processing plant. That is a round trip distance of travel of more than 4 km. The emissions from the haulage vehicles is avoidable by reducing this haulage. This will be drastically reduced by relocating the processing facility and creating a new access, and should be conducted within the first 5 years of a new license for Pit 3 extension.
- The Site Notes, Page 3 states: “11. Scrap: No scrap will be stored on-site but will be stored either in the Port Colborne Quarries Inc. Pit 1 or within License 4444 (Pit 3).” Scrap storage should be restricted in accordance with the latest revisions to the ARA. Statement 11, above, is contrary to the ARA.
- The material from the New Humberstone Speedway should not be used for berms or quarry face rehabilitation, as it has not undergone a Record of

Site Condition (RSC) review, and is proposed to be placed within the High Vulnerable Aquifer. During the PIC on April 20, 2021 this was questioned. It was indicated by a presenter that the Region of Niagara has requested a Phase 1 RSC. It is suggested that the Phase 1 RSC was already described by another caller to the PIC, and this should extend to a Phase 2 RSC, and further if this confirms identified concerns of previous activity on this portion of the site.

- The Site Plan Notes, Page 4, 17 b) iv) suggests importing of fill for quarry face sloping. Based on the extent of overburden, identified by the borehole logs for the north portion of the Phase 1B and Phase 2 to be an average of 6m – 7m thick and greater to the north extent of Phase 2, there is adequate overburden that the risk associated with importing fill is not supportable. Stepped quarry faces can supplement the cut/fill balance to optimize the available sloping materials.
- The setback from the wetlands is proposed to be just 10m, and proposed to be extended from 1 side to 3 sides of the wetlands and woodlands. Although the subsoils are competent clay, they are still susceptible to reduced water retention. The setbacks should meet the NPCA standard of 30 m, with berming and fencing to ensure complete long-term protection of the wetlands, and there should be no quarrying on the east of the wetlands and woodlands. The groundwater level should be frequently monitored to ensure it is not impacted, and if it is changed, it should be immediately replenished. Further, the existing drainage by the east branch of the Wignell Drain should be retained.
- The proposed quarry area is in the plume of the deposition of emissions from INCO, now Vale. There is no recognition that the soil may contain nickel, arsenic, cobalt, copper, mercury and other heavy metals from past INCO operations. An extensive Community Based Risk Assessment (CBRA) was conducted over about a 10 year time frame. Reference and consideration of this is completely missing.
- The justification for quarrying of the Phase 3 area does not match the potential volumes of aggregate in the other zones. See APPENDIX 5 for calculations and commentary.

Summary

- Based on this quarry's record of rehabilitation, as shown by the appended photos, the residents have good reason to question the sincerity of the planned progressive rehabilitation.
- In complaints to the City Council regarding the state of rehabilitation of PCQ, the residents have been told there is no date stipulated, and therefore cannot be enforced.
- It is suggested that the Regional Municipality of Niagara and the City of Port Colborne only rezone the lands west of the former Carl Road, until PCQ has proven that they have carried out their commitments as agreed in the license, and that they have not impacted the local properties with noise, dust and vibration.
- Including backfilling of the unlicensed Pit 1 and the subsequent suggestion for rezoning of Pit 1, in an application for license of a remote site, does not fall under the jurisdiction of the ARA. The rehabilitation of the unlicensed Pit 1 should be dealt with by the City in accordance with the 1982 Site Plan Agreement.
- Phase 3 should be reduced to only include the south portion, retaining the Wignell Drain. This will provide some additional protection of the wetlands and woodlands and eliminate the need to alter the branch of the Wignell Drain that currently extends into the wetlands and woodlands.
- Not enforcing progressive rehabilitation and final rehabilitation leads to use of the site(s) for other uses, such as unapproved storage of materials like the storage of windmill components in Pit 2 in 2016. The MNRF should be conducting in-person verification that the license conditions are being carried out.
- There should be specific requirements for progressive rehabilitation related to calendar dates, and not exceed 5 year intervals.
- The processing facility should be moved to Pit 3 within the first 5 years of a new license for Pit 3 extension.
- The access to Highway #3 should be created within the first 5 years of a new license for Pit 3 extension.

- After +50 years of depletion of Pit 1, and after +20 years of depletion of Pit 2, final rehabilitation of Pit 2 should be completed within the first 5 years of a new license for Pit 3 extension.

Respectfully Submitted,

[REDACTED]

Appendix 1 – Photographs of Quarry Faces of Pit 1

Photographs taken April, 2021



Middle of East Wall of Pit 1



Southwest end of South wall of Pit 1



Light Industrial (formerly High Commercial) Lot at Southwest corner of Pit 1

#3

DPD 1489
November 4, 1981
RE-am.10
QU

Report to: Mr. Bell, Chairman and Members of the
Planning and Development Committee

Mr. Campbell, Chairman and Members of
Regional Council

Councillors:

Proposed Regional Policy Plan Amendment No. 10
Expansion of Port Colborne Quarries
City of Port Colborne

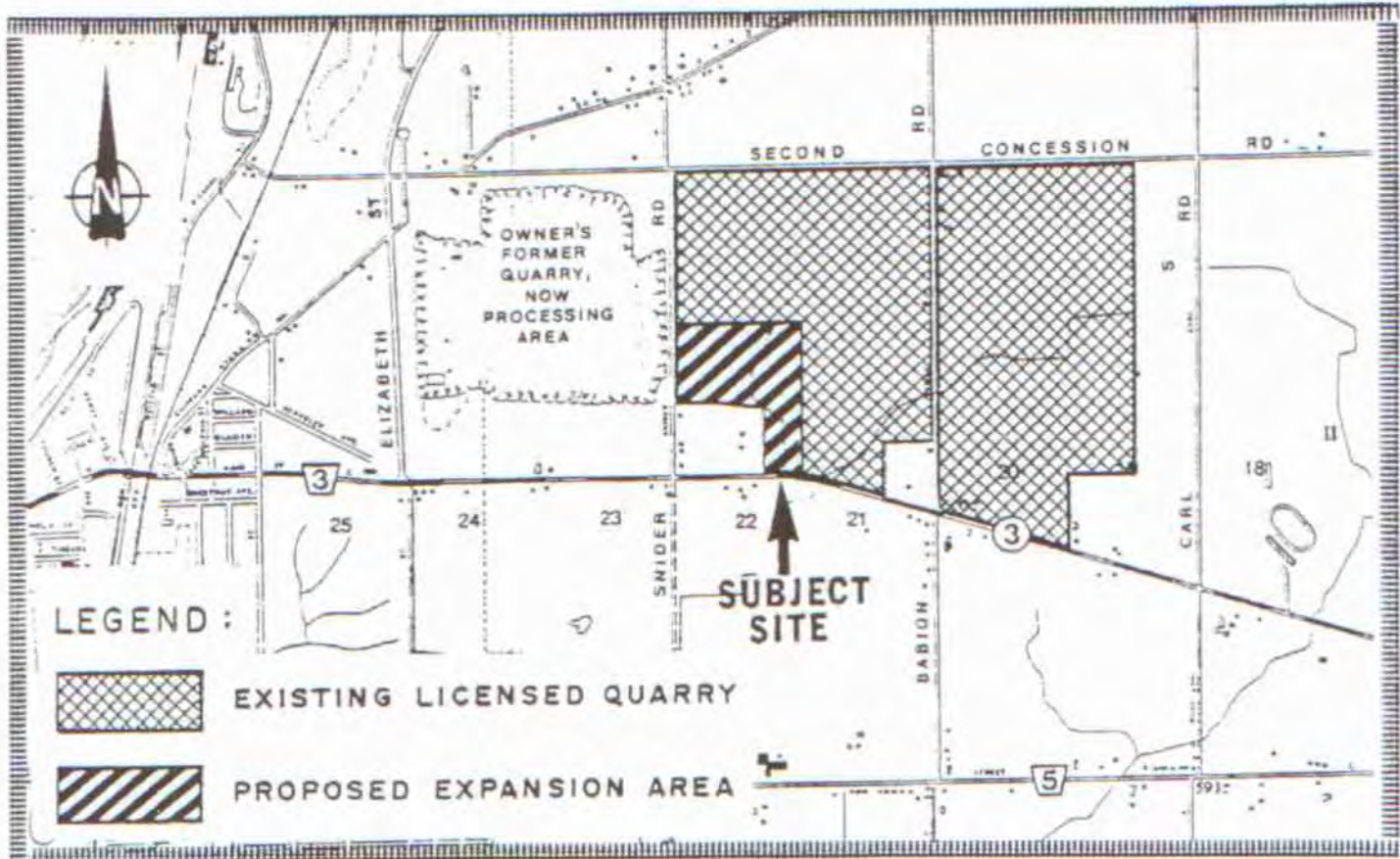
On January 26, 1981, an application was received from Port Colborne Quarries Ltd. to amend the Regional Niagara Policy Plan to permit a 32 acres (12.8 ha) expansion to their quarry located north of Highway 3 and east of Snider Road in the City of Port Colborne (see location map).

An amendment to the City of Port Colborne Official Plan covering a part of the expansion area is also required. In addition to amendments to the local and Regional Official Plans, Port Colborne Quarries is also required to obtain a license to quarry from the Minister of Natural Resources under the authority of The Pits and Quarries Control Act, 1971.

Background Information

In 1974, a license to quarry was issued to Port Colborne Quarries Ltd. covering some 320 acres (128 ha). Under the provisions of this license the quarry was permitted to extract 2 million tons of aggregate a year. At the present time most of the licensed area located west of Babion Road has been quarried. However, some 170 acres (68 ha) of the area licensed in 1974 and located east of Babion Road is yet to be quarried. Over the past two years the City of Port Colborne and Port Colborne Quarries have been attempting to resolve through a site plan agreement a series of issues related to the past, present and future operation of the quarry.

PROPOSED POLICY PLAN AMENDMENT No 10
PORT COLBORNE QUARRIES LTD / QUARRY EXPANSION
CITY OF PORT COLBORNE



LOCATION MAP
1 : 24 000

Brief History of the Amendment Application

- January 26, 1981, application received from Port Colborne Quarries to amend the Regional Policy Plan.
- January 28, 1981, Report DPD 1412 was approved by the Regional Planning and Development Committee authorizing staff to proceed with the proposed amendment.

- March 9, 1981, submission by applicant of a site plan for the quarry expansion and some additional detailed information.
- March 25, 1981, preparation of a technical background information report and distribution to various agencies for their preliminary technical comments.
- April 14, 1981, a joint public meeting was held with the City of Port Colborne to consider and receive comments from the public. At this meeting a number of concerns of the public was raised including:
 - rehabilitation of the existing licensed area.
 - the impact of noise, vibration, and dust from both the existing quarry and the proposed expansion area.
 - the effect of the expansion on well water supplies.
 - the impact of water discharge from the quarry into roadside ditches and Wignell Drain.
 - the height of berms and stockpiles of overburden material around the site.
- May 20, 1981, the City of Port Colborne agreed that they would not consider an amendment to their Official Plan until the concerns of the residents had been properly dealt with by Port Colborne Quarries.
- May 27, 1981, Memo 782 which outlined the status of the application to that date was received by the Regional Planning and Development Committee.
- August and September 1981, several meetings with Port Colborne Quarries, the City of Port Colborne, Regional Planning Staff, the Ministry of Natural Resources, the Niagara Peninsula Conservation Authority and the Ministry of the Environment.
- October 14, 1981, the City of Port Colborne agreed to enter into a special site plan agreement with Port Colborne Quarries and agreed to support a local Official Plan amendment to permit the quarry expansion.

Comments

Policy 7.E.5 in the Regional Policy Plan sets out a series of criteria against which all applications for new quarries or expansions to existing quarries are considered. These criteria include:

- a) demonstrated need;
- b) compatibility with surrounding land uses;
- c) the impact on the natural environment including surface watercourses and groundwater;
- d) the proposed manner of operation, site plan and rehabilitation;
- e) the proposed haulage roads and the possible effect on the roads concerned on adjacent development.

a) Demonstrated Need

Since 1974, Port Colborne Quarries had produced an average of approximately 1.2 million tons of stone annually. At present, the quarry has approximately an 18 year supply of material in the licensed area east of Babion Road. The licensed area west of Babion Road is virtually depleted.

It is assumed that the reason for wishing to expand the quarry onto this 32 acre parcel is to provide an interim supply of aggregate material pending the bringing into production of the larger existing licensed area. This expansion area is contiguous to the site already being quarried and represents a logical step for the quarry to take from an operational viewpoint and also from the point of view of taking full advantage of a conveniently exploitable resource.

It cannot be argued that this expansion is needed to meet any local or Regional need. Some 85% of the aggregate material is exported to the United States. However, 15% to 20% of the material does serve the local market. There are a number of other nearby quarries including R.E. Law Crushed Stone in Wainfleet and Ridgemount Quarries in Fort Erie which produce a range of material similar to Port Colborne Quarries.

It is probably inappropriate to attach too much importance to the criterion of need in the case of this particular relatively minor expansion to Port Colborne Quarries. This proposed quarry expansion will only add some 2 years to the existing 18 year supply already licensed. Perhaps more importantly, the issue of demonstrated need should properly only become of critical importance if there is a strong reason to suspect that approval will have a serious impact on the surrounding residents or the natural environment.

b) Compatibility with Surrounding Land Uses

The area in the immediate vicinity of the proposed expansion area is presently rural in character. However, the Regional Policy Plan shows the area to the south and west of the quarry as being within the urban areas boundaries for the City of Port Colborne. The Official Plan for the City of Port Colborne, designates the area to the south and west of the proposed expansion area as urban residential. This land use should not normally be considered compatible with an operating quarry particularly if provisions are not made to ensure protection against noise, vibration, dust and fly rock originating from the quarry. Given the fact that development in this area is not anticipated in the near future and that extraction in the proposed expansion area is likely only to last for some 2 years the likelihood of this potential land use conflict is considered minimal.

At present, there are 5 existing residential dwellings located north of Highway 3 to the south and west of the site and 2 dwellings south of the site and south of Highway 3. The distance separation between the edge of the quarry face and the nearest residential dwelling will be approximately 300 feet.

Of particular concern in assessing land use compatibility are the factors of noise, vibration, dust and flyrock.

Port Colborne Quarries through their consultant Philip R. Berger and Associates Ltd. prepared a noise and vibration study. This study has been submitted to the Noise Pollution Control Section of the Ministry of the Environment in order to determine

what measures will be required to ensure that the operation of the quarry meets current noise and vibration standards of the Province. To date, the Noise Pollution Control Section has not formally responded to this report. However, the Quarry has agreed to the following measures:

- i) setbacks from Highway 3 and the nearest residential dwelling which exceed the minimum distance setback standards set out in The Pits and Quarries Control Act 1971.
- ii) the imposition of blasting limits of 40 holes a day.
- iii) the use of sequential blasting techniques.
- iv) the construction of a temporary 18 foot earth berm along the southern and western boundary of the quarry expansion area.
- v) the acquisition and use of noise monitoring equipment to measure noise and vibration from the blasting operations to ensure that Ministry noise standards are adhered to.

It should be noted that the above measures taken by Port Colborne Quarry while helpful in trying to meet Ministry of the Environment noise standards will not necessarily eliminate future complaints regarding noise and vibration from the surrounding residents. Quarries by the nature of their operation are almost assured of creating some nuisance. However, the precautions taken by the quarry should reduce the potential nuisance. However, a final judgement on the impact of noise and vibration will have to await the final comments of the Ministry of the Environment.

The issue of flyrock has not been mentioned in the past as a problem or of particular concern by any of the commenting agencies, the general public or by the City of Port Colborne.

The problem of dust has been mentioned as a serious and long standing concern by residents in the area and by the Ministry of the Environment. The complaints regarding dust have been associated not with the quarry itself but with truck traffic moving from the quarry along Second Concession Road. Port Colborne Quarries have agreed to make a financial contribution to the City of Port Colborne to enable the resurfacing of Second Concession Road and to construct ditches on either side of the Road. It is expected that these measures will assist in a more effective cleaning of the road surface and help to reduce the potential problem. The quarry has agreed as well to continue to carry out periodic cleanings of the road surface. The Quarry presently makes use of a "sonic dust suppression" unit to control dust in their processing operation.

c) Impact on the Natural Environment

i) Ground Water

The Ministry of the Environment has carried out a preliminary study of the impact of the quarry on well water supplies in the vicinity of Port Colborne Quarries. A total of some 200 wells were tested. As a result, a zone of interference was identified within which water supplies would be affected. Only 2 wells were identified as being adversely affected by the quarry's dewatering operation. The Ministry of the Environment has noted that the quarry expansion will likely result in an increase in the zone of well water interference. Port Colborne Quarries has been operating under the provisions of a "Permit to Take Water" under The Ontario Water Resources Act. According to the legislation, the quarry operator is responsible for rectifying any private well water problem attributable to the quarry operation. Port Colborne Quarries is presently negotiating with the two individuals involved to solve their water problems in a manner acceptable to the property owners and to the Ministry of the Environment.

Port Colborne Quarries has also agreed to carry out a more detailed hydrological study in the area prior to any expansion. This Study is intended to assist the Ministry of the Environment to monitor any adverse impact on well water supply resulting from the longer range operations of the Quarry.

ii) Wignell Drain

The Niagara Peninsula Conservation Authority in their preliminary technical comments expressed concern regarding the potential impact of the proposed quarry expansion on Wignell Drain. Wignell Drain is used as a discharge source for ground water and surface water accumulation in Port Colborne Quarries. The concerns of the Niagara Peninsula Conservation Authority relate to the problem of periodic flooding and the quality of water in the drainage channel. A Study carried out by Gartner Lee and Associates for Port Colborne Quarries investigated the impact of the quarry water discharge on Wignell Drain. This Study has been submitted to the N.P.C.A. for their comments. However, to date no response has been received by the Region.

Port Colborne Quarries has agreed to limit water discharge into Wignell drain during periods of high surface water runoff and to construct a retention pond in the quarry to permit both the storage of any accumulated water and to enable the settling out of any silt prior to being discharged into Wignell Drain. They have also agreed to contribute to an independent drainage study of Wignell Drain.

d) Operation Site Plan and Rehabilitation

According to the site plan for the proposed expansion, the extraction sequence will be from east to west and will be completed in approximately 2 years. Aggregate material will be transported by truck to the crushing facilities located in the original pit west of Snider Road.

It is proposed to construct a temporary 18 foot earth berm along the brim of the southern and western edge of the quarry face. A five foot high steel fence is to be constructed around the property. Landscaping will include a continuous 9 foot high grassed and treed earth berm. Upon completion of the aggregate extraction the slopes of the quarry face are to be sloped at a 2:1 gradient. The eventual end use of the quarry is for water related recreation purposes but will not occur for some 20 years or until the supply of material to the east of Babion Road has been extracted.

e) The Possible Effect on Roads

In the past, truck traffic from the quarry has exited onto Highway 140 with the bulk of aggregate material apparently transported directly to the Canal loading dock area. This pattern of truck movement is expected to continue with a continued crossing at Snider Road. No Regional Roads appear to be associated with the transportation of material from the site.

As mentioned earlier there has been a long history of complaints regarding dust from residents living adjacent to Second Concession Road. However, it is expected that the agreement reached between the quarry and the City regarding road maintenance and reconstruction to Second Concession Road should alleviate or at least significantly reduce the problem of dust for the residents.

Conclusion

The proposed expansion to Port Colborne Quarries represents a relatively minor extension to its existing licensed area. In the past the impact of the quarry has been a source of concern and complaints by the City of Port Colborne and nearby residents. This is perhaps not surprising given the size and nature of the quarry and its proximity to existing residential development in the vicinity. The lengthy negotiations regarding this proposal to expand the quarry were primarily directed to rectifying the past and possible future concerns associated with the entire quarry operation.

It should be noted that the Region will have an opportunity to provide additional detailed comments to the Minister of natural Resources regarding this proposal as part of the license to quarry application under The Pits and Quarries Control Act. Any additional detailed comments and concerns from the Ministry of the Environment and the Niagara Peninsula Conservation Authority can be incorporated at that time.

Recommendations

1. That Amendment No. 10 to the Regional Niagara Policy Plan to permit the expansion of Port Colborne Quarries be approved.

Recommendations cont'd

2. That a by-law adopting Policy Plan Amendment No. 10 be prepared and forwarded together with the necessary support information to the Minister of Municipal Affairs and Housing for approval.

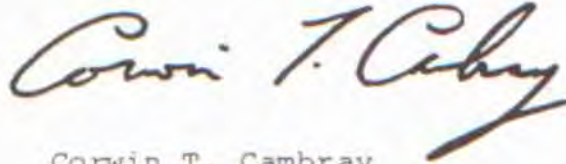
Prepared by,



Drew Semple
Planner

/svb

Respectfully submitted,



Corwin T. Cambray
Manager
Policy Planning

APPENDIX 3

Photographs of Pit 2 Quarry Faces

Photographs taken April, 2021



South End of West Face Overview of Pit 2

Note the stored material, and equipment, on the floor of Pit 2



South Face of Pit 2



West Face of Pit 2

MINUTES

Re: Public Information Meeting, Port Colborne Quarries Limited
April 14th, 1981, 7:00 P.M.
Council Chambers, City Hall, Port Colborne

Purpose: To receive comments from the public on the proposed expansion of Port Colborne Quarries to include an approximate 32.0 acre parcel. Such expansion necessitates modification to the Port Colborne Official Plan and amendment to the Regional Policy Plan.

Attendance: Council Members: Aldermen Hallborg and Murray
Regional Staff: D. Semple, Planner
C. Cambray, Planner
Municipal Staff: G. Barker, City Planner
N. Ord, Planning Technician
Representatives for the Applicant: D. Balazs
R. T. Haggerty, D. R. Tolmie
31 interested persons - see list attached.

With Alderman Hallborg acting as Chairman, the meeting commenced at 7:15 P.M. Referring to the newspaper notice for the Public Information Meeting, the Chairman described the intent of the meeting and outlined the format for questions and comments from those in attendance.

Mr. Barker was invited to describe in further detail the intent of the meeting and commenced by referring to the reasons for Regional Policy Plan Amendment and Port Colborne Official Plan modification. Since the Regional Policy Plan notes areas to be quarried and names the location of new quarrying applications, the subject approximate 32.0 acres parcel requires Regional Policy Plan acknowledgement. With regard to the Port Colborne Official Plan, modification to acknowledge the westerly section of the subject property as Industrial Extractive is required before quarrying activity can be carried on.

Mr. Barker briefly related the history of the Pits and Quarries Act noting its commencement in 1971 as a means of administering new quarrying operations. Mr. Barker also noted the existing licensed area of Port Colborne Quarries to include 320.0 acres of land east of Babion Road, east of Snider Road and west of Babion Road. The Municipality and Port Colborne Quarries have carried on negotiations since the license^{in force} in 1972 for a site plan agreement naming, among others, the following conditions of development:

1. 100 ft. setback from Snider Road with berming, grading and planting agreeable to the residents of the area, Port Colborne Quarries and the Municipality.
2. 300 ft. setback from Highway No. 3.
3. Contained within the setbacks, the Quarries must indicate a rehabilitation program of grading and berming involving a 9 foot high berm, tree planting and sloping of the depleted quarry area in preparation for future man-made recreational use.

Comments invited from Regional Planning Department Representatives commenced with Mr. Cambray describing the intent of the meeting and the approval process from a Regional perspective. Mr. Semple followed with the distribution of a fact sheet which described the Regional Role in detail and specified the criteria for evaluating the expansion of or creation of quarrying operations. Mr. Semple also described in detail the future approval process.

The comments invited from Port Colborne Quarries Limited representative

Mr. Balazs were summarized in letter form and noted that existing quarrying capacities would be exhausted by July, 1981 and without increased lands to quarry, employee lay-offs would result. The proposed approximate 32.0 acre expansion area would provide stone for quarrying to 1982. Mr. Balazs stressed the site plan agreement to be signed with the Municipality would require certain setbacks, and landscaping to ensure compatibility with surrounding land uses.

The following comments and questions were invited from those in attendance:

Question:

Mr. J. Hellings, 770 Highway No. 3.
Wished clarification on the timing for rehabilitation of the exhausted quarry areas; whether rehabilitation would take place upon total depletion of quarry lands therefore resulting in an area adjacent to existing homes without rehabilitation for a number of years.

Answer:

Messrs. Balazs and Haggerty both responded with the assurance that the rehabilitation by berming and grassing of the 32 acre parcel would take place prior to stone extraction. Full-rehabilitation to a water-filled recreation area with sloped banks would result upon completion of the quarry.

Mr. Barker summarized and repeated that recreational use of the quarry would occur upon quarry relocation or completion.

Question:

Mr. W. Huffman, Lorraine Rd. & Hwy. 3
Mr. Huffman made the Chairman aware of his past written objection to the Ministry of Natural Resources to the issuance of quarrying license to Port Colborne Quarries and that his residence is located 2000 feet from the quarry. Concerns regarding dust problems on Ramey Road; overcharge blasting; illegal stop signs on Snider Road; what is being dumped in the empty quarry; the height of berming along Babion Road; the need to hire legal help to protect damage to property and potential water loss were cited.

Answer:

Mr. Haggerty responded by noting that the area in question is further from his home than past quarried areas; the stop signs were placed at Snider Road for safety reasons and an agreement has been reached with the residents on Babion Road to lower the berm.

Alderman Murray stressed that past resident problems, including the berming along Babion Rd., have not been resolved quickly enough and have resulted in negative public relations. Mr. Barker clarified by noting that the original 27-30 ft. high berm on Babion Road was reduced to about 13.5 ft. Since City survey crews were not on hand at the time of reduction to measure the resultant height, the agreed upon height of 10-12 ft. in height was not created. Mr. Barker further noted that an 18 ft. berm is the requirement for the screening of quarrying operations in Wainfleet. In summary, Port Colborne Quarries rep's. assured the Chairman that the berm would be further reduced pending the return of weather conditions suitable for the earth-moving machinery to mount the berm.

Question:

Mr. Hellings.
Requested clarification of the designation of his lands west of the Port Colborne Quarries property on the North Side of Highway No. 3.

Answer:

Mr. Barker referred to the Official Plan land use clause which

notes that the boundaries between land uses are general and that adjustments can be made provided the general intent and purpose of the Official Plan is maintained. In summary, Mr. Barker was satisfied that the inclusion of Mr. Hellinga's property within the Urban Residential designation of the Official Plan would meet the general intent and purpose of the Official Plan and an Official Plan amendment was not required. Mr. Semple further clarified that it was not the Region's responsibility to comment on such detailed designations.

Questions:

Alderman Hallborg. Followed up the Region's comments and noted concern with the proposed expansion and its:

- (1) impact on the natural environment (referring to dust problems on second concession road and the unsigned status of the site plan agreement;
- (2) impact on ground water (referring to a report that two wells on Chippawa Rd. have gone dry - Messrs. Codie & McAllister).

Answer:

Mr. Barker noted that two items are outstanding in the site plan agreement involving the paving of the shoulders of Second Concession Road, the reconstruction of Second Concession Road and the use of a flusher truck to keep dust down. With reference to the ground water problem, Mr. Haggerty referred to comments of former Minister of Environment, Dr. Parrott, noting that the lack of legal rights to water. Further, Mr. Haggerty stated that the Quarries has installed cisterns for wells which have been dried by its activities.

Mr. Barker noted that conditions of license issued for dewatering by the Ministry of Natural Resources require the provision of potable water. The mandate for complaint and enforcement therefore rests with the Ministry.

Question:

Mr. G. Horpenuck, 1051 Lorraine Rd.

Mr. Horpenuck noted complaints relating to a cistern which was cracked by quarry activity have been outstanding for four years.

Mr. Balazs stated that the Quarries was aware of the complaint and felt that the cistern was not originally constructed for such purpose; had been converted to a cistern; was now experiencing leaking and the owner was blaming the quarries without full investigation.

Mr. Tolmie, Solicitor, Port Colborne Quarries.

Noted that about 80% of those persons in attendance were in support of the Quarry expansion. A quick count was taken and a total of 26 persons were noted to be in favour of the proposed quarry expansion. It was pointed out by the Chairman that a large number of those in support were employees of Port Colborne Quarries Limited.

Question:

Mr. Hellinga.

Noted that he was not an employee of Port Colborne Quarries Limited and did not object to the proposed expansion but rather was concerned that greater restrictions should be placed on rehabilitating the old quarry and the unsloped quarry sides. Mr. Hellinga also enquired as to the height of the stock pile berm for the proposed expansion area.

Answer:

Mr. Haggerty noted that a shielding berm of 9 ft. in height would perimeter a stockpile berm of 18 ft. in height. Such a stockpile berm would provide sufficient earthen support for depleted quarry sides at a 2:1 ratio. Mr. Haggerty also referred to the site plan

agreement to be signed which referred to the fencing and safety of the old quarry pit.

Mr. Hallborg reiterated his concerns to be the resolution of problems relating to the loss of water to wells, blasting and the rehabilitation of existing roads.

Comment:

Mr. G. Lance, Employee of P.C. Quarries
Mr. Lance spoke on behalf of the employees of Port Colborne Quarries and noted their concern about the Quarry being relicensed and the landscaping, berming and fencing to be provided.

Question:

Mr. R. Phillips, Lorraine Rd. & Hwy. 3, Employee of P.C. Quarries.
Mr. Phillips noted that his well is 25 ft. deep and has experienced no water loss problems. Should problems occur with the quarrying of the area east of Babion Road he was concerned as to how one could be assured of compensation.

Answer:

Mr. Haggerty responded by noting the responsibility of the Ministry of the Environment and Ministry of Natural Resources in enforcing the conditions of the dewatering license but noted that such complaints could be addressed directly to the Quarries.

Upon the cessation of questions and comments, Mr. Semple summarized by stressing the preliminary nature of the application.

Meeting adjourned at 8:30 P.M.

Minutes prepared by:
Nancy Ord
Planning Technician

xc: Region of Niagara.

APPENDIX 5

Review of Phase 3 quarrying proposal

Hydrogeological Report (Golder, 2020):

Page 52 – Map of Ground levels: Phase 3, 182 – 183 masl

Page 54 – Map of Top of Williamsville Unit level: Phase 3 Middle +/- 174 masl

- North 172 – 173
- North Centre 173 – 174
- Centre South 174 – 175
- South 175 – 176

Page 56 – Map of Bottom of Falkirk Unit: Phase 3 area +/- 170 masl

Overburden thickness: 8m – 10m (182masl minus 172/174masl)

Suitable Aggregate to bottom of Falkirk Unit: 2m - 4 m average thickness (172-174masl minus 170masl)

Area of Phase 3: +/- 4 ha (40,000 m²), less setbacks and sloping of overburden

Volume of aggregate available: < 160,000 m³ (40,000m² x <4m) = < 430,000 tonnes

Total aggregate in entire expansion area: 40M – 50M tonnes

Volume available in Phase 3 = less than 1% of total on site

Expansion into the north portion of Phase 3 will cut off the Wignell Drain east branch which extends into the wetlands and woodlands.

Expansion into the north portion of Phase 3 will create a third side of drainage and create a peninsula for the wetlands and woodlands.

Expansion into the north portion of Phase 3 will restrict movement of species and wildlife.

Planting now will promote the corridor for wildlife movement to the north side of 2nd Concession Road.



CITY OF PORT COLBORNE
239 KING STREET, S35 2P00
POSTAL CODE L3K 4G8

May 21, 1982

J.E. Dickinson, District Manager
Ministry of Natural Resources
Niagara District
P.O. Box 1070
Fonthill, Ontario
L0S 1E0

Dear Sir:

Re: Application for License to Quarry
Port Colborne Quarries Limited
Comments, City of Port Colborne

Further to your correspondence of April 20th, 1982 please be advised that the Planning & Development Committee of Council of the Corporation of the City of Port Colborne has recommended to Council that Planning Department Report #82-15 (a copy of which is attached hereto) be approved and its recommendations carried out.

The recommendations of said report, as amended by the Planning & Development Committee, are:

1. That the City of Port Colborne supports the approval of a license to quarry the subject 12.9 hectare expansion by Port Colborne Quarries Limited, subject to the foregoing recommendations.
2. That the Ministry of Natural Resources clarify the approval status of the City of Port Colborne's Official Plan and Restricted Area (Zoning) Bylaw relative to the land use designation and zone affixed upon the subject site.
3. That the Ministry of Natural Resources issue a license to quarry to Port Colborne Quarries Limited only after the Minister of Municipal Affairs & Housing has modified the Official Plan for the Port Colborne Planning Area.
4. That the Ministry of Natural Resources incorporate the comprehensive site plan agreement between the City of Port Colborne and Port Colborne Quarries Limited dated February 4th, 1982 as a condition of issuance of license to quarry.

5. That Port Colborne Quarries Limited be required to establish and maintain a hydro-geological monitoring study, satisfactory to the Ministry of Environment.
6. That water discharge into the Wignell Drain be limited so as not to have an adverse impact upon the Wignell Drain.
7. That the proposed drainage courses be excavated and drainage system functional, prior to removal of any overburden and extraction of aggregate to prevent flooding of neighbouring properties.
8. That a settling pond be established to allow for the settling of suspended particles thereby improving upon the water quality discharge into the Wignell Drain.
9. That Port Colborne Quarries Limited discontinue the dewatering of the site into the Babion Road roadside ditch, rather the existing branch of the Wignell Drain that transverses the south-eastern portion of the licensed area.
10. That Port Colborne Quarries Limited adhere to the recommendations of the Ministry of Environment respecting noise and ground vibration controls.
11. That a six (6) month time period be imposed, after the completion of extraction of aggregate has occurred, for the rehabilitation of the subject site.
12. That Port Colborne Quarries Limited maintain the water elevation of the settling pond at a maximum of 555 feet.
13. That staff be instructed to advise the Ministry of Natural Resources of the recommendations of the Planning & Development Committee prior to May 21st, 1982.
14. That staff be instructed to meet with the Ministry of Natural Resources to assist in the preparation of Ministerial conditions of license to quarry.
15. That the Ministry of Natural Resources, Port Colborne Quarries Limited, Ministry of Environment, Niagara Peninsula Conservation Authority and Regional Niagara be advised accordingly.
16. That Port Colborne Quarries Limited supply the City with written confirmation prior to Tuesday, May 25th, 1982 that the \$10,000 payment for the reconstruction of Second Concession Road be deposited with the Municipality once appropriate approvals from the Ministry of Municipal Affairs & Housing and the Ministry of Natural Resources have been obtained to facilitate the Quarries expansionary program.

Should you require further information or clarification, please do not hesitate to contact this office.

cc: J. Fraser
A. Veal
D. Balazs
R. Minnes

Yours truly,

221

July 27, 2020

Dear Mayor and Port Colborne City Council,

I am writing you in regards to the endeavors of Port Colborne Quarries (PCQ) desire to enlarge their quarrying operations within our city of Port Colborne (city) limits. I have reviewed the information provided in the agenda package for the council meeting dated July 27, 2020.

I am asking that the Mayor and council members seek to include at least one or two community members on the regional JART committee/team even if this person(s) sits to observe the proceedings and may make a few suggestions. This would ensure there is greater transparency and that various tasks are not overlooked (i.e. environmental studies, community impact, etc). Increased community engagement in a project as big as this will increase trust, ideas, solutions, and acceptance.

The City of Port Colborne should be asking PCQ to apply for a new license under the Aggregate Resources Act from the very beginning and not entertain an expansion of Pit 3. The very expanse of this project is huge and by no means is this simply a few feet of expansion. Simply drive along Highway #3 from Miller Road to the 140 highway and you will grasp the enormity of this quarry operation. Even PCQ has, in the past, referred to the creation of a Pit 4 and not an expansion of Pit 3! Where would Pit 3 ever end? How would Pit 3 be eventually rehabilitated if Pit 3 simply continues to be extended (all the way to Fort Erie)? For the purposes of my letter, I will not be using the phrase if “expansion of Pit 3” to identify this area of land/quarry operation but rather I will use “Pit 4” because that is how this should be managed and identified.

Thus, within the Memorandum of Understanding and within any comments or references regarding the Joint Agency Review Team (JART) etc – that city/council members shall be asking that the language/wording in any documentation begin to refer to it as “Pit 4” and that PCQ should be getting a new licence/permit via the ARA in order to conduct quarrying operations on this new plot of land between Pit 3 and Miller Road. This would ensure that a new quarrying operation is more thoroughly researched and does meet the requirements etc of the new Aggregate Resources Act (ARA) and any other provincial/federal regulations/acts that would have an impact upon this project.

The new Pit 4 will be dug upon land that is a significant groundwater recharge area (SGRA) for a highly vulnerable aquifer as identified by the Niagara Peninsula Conservation Authority (NPCA) and the highly vulnerable aquifer area is depicted within regional maps. An SGRA designation means the groundwater is replenished at a rate at least 15 percent greater than average groundwater recharge. In addition, this area contains a woodlot and wetland and those two areas should be protected to the fullest extent and not included for mining purposes. One of the main benefits of a wetland is to prevent flooding but most importantly, a wetland does purify the water as it eventually seeps down in to the aquifer and does this better than just your average overburden of soil (good agricultural land).

PCQ has for over 30 years not followed through with their responsibilities to rehabilitate Pits 1 and 2 and this should be a requirement prior to creating Pit 4. If Pit 3 never closes and continues as an expansion there will be no rehabilitation of that area. PCQ should have to relocate their crushing and washing

equipment from the floor of Pit 1 and no longer utilize Pit 2 as a drive thru connection between Pit 3 and Pit 1. All quarrying operations/equipment can and should be moved east to Pit 3 and then the pumps can be shut off to allow Pits 1 and 2 to naturally fill with water as this is the safest means of ensuring there is no risk of contamination to our highly vulnerable aquifer. By shutting of the pumps there will no longer be a waste of good potable water that is drained away to the lake and canal via ditches. The shutting off of unneeded pumps would decrease the loss of water in our valuable aquifer. Think about it – with the current Permits to Take Water; the total litres of drawing water from our aquifer is greater than what Nestle draws from Ontario's aquifers! Yes, do the math, PCQ draws millions of litres of water each year. The addition of new Permits to Take Water from Pit 4 that will be dug into our aquifer will greatly increase this waste of precious water! Simply a waste of a valuable resource of water – our city should be thinking of the future by thinking in terms of sustainable initiatives and the restoration of natural areas. The very protection of our aquifer will ensure that there will be water for our future. The aquifer could provide for all of South Niagara should the lake itself cease to be an option (i.e. blue green algae).

Pits 1, 2, 3, and the future Pit 4 are all considered 'wet pits' and the safest means, according to multiple research sources, to protect our groundwater/aquifer is to allow the pits to remain wet and naturally fill with water. Thus far, PCQ has not followed through with any rehabilitations of any of the depleted Pits of 1 and 2 and this should be corrected. Pit 3 will never be rehabilitate if it is continuously expanded.

Our city has the ability and the legislative power to protect our aquifer/groundwater water sources and should do so. For example, to designate the aquifer for source water protection; thereby, granting continued protection of this valuable and necessary resource of water for not only our city but for those communities close by and far away. Covid 19 has demonstrated that our health is intricately tied to the health of our environment so our city can participate and be pro-active in protecting our environment in order to promote the health of all. Imagine this: with Covid it has shown southern Ontario that we need recreational water destinations for the public; what if the city leased Pit 1 (maybe Pit 2 too) similar to how the city leases Nickel Beach from Vale, and our city developed this area as a destination for tourists etc and even housing by passive lakes that are larger than 150 acres each (just some thoughts and thinking outside the box). Imagine the future possibilities and tax revenue!

I am asking city council and the Mayor to vote NO to any proposal that refers to an "expansion of Pit 3" as this proposal should be considered and applied as a new license/permit for a new Pit 4. As such, the language of the Memorandum of Understanding (MOU) and JART paperwork should from the very beginning begin to speak only to a new Pit 4 and that any motion in city council do the same by referring to Pit 4 and not an extension. That council put forth a motion to consider a Pit 4 and not an expansion of Pit 3.

As stated before in my letter, city council and the Mayor should be asserting that one or two community members be included to sit on the JART team/committee. Our city should promote transparency and encourage the engagement of our community and not just in a public meeting led by some professional whom the community does not know or trust.

Having PCQ apply for and obtain a new license/permit via the new Aggregate Resources Act will ensure a more thorough process so that all necessary and various studies are completed and new recommendations and expectations are set forth to ensure the best outcome of this new development

of Pit 4 and to ensure the rehabilitation of the older Pits 1 and 2. The City of Port Colborne should be taking action from the very beginning of this process and not allowing just an expansion.

I further ask of the Mayor to seek a recorded vote on this matter. I also request that my letter be included in this council meeting.

That the wetlands and woodlot be excluded from the mining/quarrying designated areas and that they be given ongoing protections.

I have repeated my thoughts within this letter and I have done so on purpose in the hopes of ensuring there is increased understanding and recall.

I would like to thank you for your time and consideration in regards to my letter to you. Stay safe and healthy during these unprecedented times of Covid 19.

Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

Via Email Attachment

April 28, 2021

To. The Applicant
Port Colborne Quarries Inc.
222 Martindale Road, P.O. Box 1116
St. Catharines, ON, L2R 7A3

Ministry of Natural Resources and Forestry
Integrated Aggregate Operations Sector
4th Floor South, 300 Water Street
Peterborough, ON, K9J 3C7

REGARDING:

OBJECTIONS / COMMENTS TO: **PLANNING JUSTIFICATION REPORT – APPLICATION No. 626511**
PORT COLBORNE QUARRIES INC.
PIT 3 EXTENSION – Prepared by Port Colborne Quarries Inc.

I would like to speak to the specific location stated in the justification report as:

“THE NEW HUMBERSTONE SPEEDWAY” – Section 6.1.7

3.2.2

*Sites with contaminants in land or water shall be **assessed and remediated as necessary prior** to any activity on the site associated with the proposed use such that (there) **will be no adverse effects.***

Response: A portion of the Pit 3 extension encompass the New Humberstone Speedway and the lands may potentially contain petroleum related (containments?) contaminants. To avoid the possibility of any such material being removed from the site, these soils will be restricted for the use only in the construction of the perimeter berms along Highway 3.

My objections and concerns are to the above in that it does not address the actual potential of contamination at or on these specific lands, nor does it address the potential of future migration of the contamination at or on these specific lands to adjacent vulnerable water sources. The potential for contamination migration from the proposed berms into Provincial drainage systems (ditches along Highway 3) has **not** been considered.

CALCIUM CHLORIDE EXPOSURE:

Humberstone speedway first opened in 1958. During the years prior to environmental and climate awareness the track was ***treated weekly with calcium chloride.***

Calcium chloride and water were used to prepare the track for the weekly racing events. The above was used to control dust emissions coming from the track surface during the speedway racing activities. The reduction of dust emissions during the racing event was considered a safety measure to reduce the risk of racing accidents. In addition, the mixture of water and

calcium chloride was used to control dust emissions in the “pit areas” and on the track parking lot and roads.

Calcium chloride also allowed the track to maintain and control the moisture content of the track surface making it more compactable and aggressively abrasive as desired for dirt racing traction.

PETROLIUM CONTAMINATION AND ONSITE LOCATIONS OF CONTAMINATION CONCERN:

Humberstone Speedway will be starting its 63rd season this year. 63 years of exposure to engine failures (engine oil and additives), transmission failures (manual, automatic fluids and additives), coolant failures (antifreeze and additives), rear axle failures (gear oil and additives), gasoline and diesel fuel spills on the track, on the infield, in the pit areas and outside of the track in the parking lot. During specific racing events parts of the parking lot were used as an overflow for the pits. The parking lot has been subject to contamination from the parking of spectator vehicles. Overnight recreational vehicle and trailer camping was occasionally allowed.

On track and infield exposure was mainly due to racing incidents and mechanical failures, some quite violent at times. Other on track and infield exposure came during demolition derby type events. For those who might not be familiar with the term “Pits”, this is the location where the drivers and team members staged and maintained their cars. Prior to environmental awareness, the handling and containment procedures of the types of fluids used in engines, transmissions, rear axle assemblies and fuel handling was not a concern or priority in most cases. There was also an incident in the pit area where a number of school buses (unknown number) had been parked. The unscrupulous one night removed the radiators for the copper content. The hoses were cut and all engine coolant (antifreeze) was lost to the ground in that area.

IMPORTED MATERIALS FROM OFF SITE LOCATIONS:

Over the years the track has had to bring in additional material for the track surface. In addition I believe there is a large pile of “road grindings” that is presently overgrown north of the Pit area. Some of those road grindings have been deposited in the parking lot adjacent to the Pit gate and a portion of the driveway leading into the Pit area.

OBJECTION / ENVIRONMENTAL CONCERNS – BROWNFIELD CONSIDERATION:

3.2.2

*Sites with contaminants in land or water shall be **assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.***

Response: A portion of the Pit 3 extension encompass the New Humberstone Speedway and the lands may potentially contain petroleum related (containments?) contaminants. To avoid the possibility of any such material being removed from the site, these soils will be restricted for the use only in the construction of the perimeter berms along Highway 3.

I have great concern with the above statements in that any potentially contaminated materials being used as **PERIMETER BERMS in order to avoid removing them from the site**. This does not negate the fact that even from berms that absorb water / contaminants will leach out hydraulically to the lowest receiver. That area being, according to the application the eventual rehabilitated Pit 3 Lake and into any adjacent drainage systems along Highway #3 and the Wignell Drain.

SUMMARY:

As per all of the above I respectfully submit that the lands referenced in this application as the "New Humberstone Speedway be **treated as "BROWNFIELD"** with the ***first step being a transparent Record of Site Condition (RCS). Prior to application approval.***

Sincerely,

[REDACTED]

Via E-mail attachment and Canada Post

From:

Jack S Hellinga
770 Highway #3,
Port Colborne, ON L3K 5V3

April 30, 2021

To:

The Applicant
c/o Shawn Tylee
Port Colborne Quarries Inc.
222 Martindale Road, P.O. Box 1116
St. Catharines, ON L2R 7A3
STylee@RankinConstruction.ca

Ministry of Natural Resources and Forestry
Integrated Aggregate Operations Section
4th Floor South, 300 Water Street
Peterborough, Ontario K9J 3C7
ARAAggregates@ontario.ca

Objections to: Application No. 626511

Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

Planning Justification Report and Comprehensive Rehabilitation Strategy

Rehabilitation: Past, Present and Future

General Observations

It is understood that pits and quarries are a necessary activity and land use, and that they must be located where the resource exists.

The demand for aggregates and the accommodations of the Provincial Policy Statement (PPS) do not override the protection of the environment, the existing land use constraints, and the legal rights of adjacent properties. It is expected that the activity will be carried out with minimal impact to the environment, local property owners, and infrastructure.

It is expected that commitments made to obtain a license will be honoured, and that the commitments will be enforced.

It is also recognized that reduction of aggregate resource depletion by such means as recycling is encouraged, however, this should not be conducted in areas which can cause any contamination of the groundwater/aquifer, neither in the interim, nor in the future.

Using the same Section and Clause numbering as the Comprehensive Rehabilitation Strategy (CRS) for the proposed Extension of Pit 3 for Port Colborne Quarries, and supplemented by the Planning Justification Report (PJR), the following comments and objections are raised:

2 Policy Framework for Comprehensive Rehabilitation

- There is an inconsistency in the annual quantity (tonnage) of aggregate to be removed. The video power point on the Port Colborne Quarries (PCQ) website indicates an amount of 1.815M tonnes, and the Planning Justification Report, page 16, identifies the quantity as 1.8815M tonnes. Which is correct?
- In the Site Plan Notes, Page 2, Tonnage, the area designated for extraction is 64.9 ha. In the Planning Justification Report, Page 1, Summary, the area for extraction is 71.1 ha. Which document is correct?
- In several reports, the discussion of final rehabilitation suggests berms will be removed as part of final relinquishing of the license. However, in the Planning Justification Report Page 76, “7. All existing on-site / external perimeter berms shall remain in place for the Port Colborne Quarries Inc.: Pit 1, Pit 2 and Pit 3 lands.” The timing of the removal of each of the berms of each pit should be clearly identified by calendar dates and not to phasing or “progressive” rehabilitation, as the berm material is required for the rehabilitation of the embankments.

3 Existing Extraction Sites

3.1 Pit 1

- Pit 1 quarrying was commenced approximately 1954-1955, as identified in the Planning Justification Report. This relates to the overview of Section 3 on page 2 of the Comprehensive Rehabilitation Strategy where it is stated extraction has extended over the past +65 years.
- Describing the 5.27 ha southwest corner of Pit 1 on Page 4 the PJR states “These lands are undisturbed and are occupied by a grove of trees.” It is obvious from this statement that no site confirmation was conducted. The lands designated as Light Industrial (formerly Highway Commercial) were cleared of trees inflicted by emerald ash borer in 2017, and then subsequently completely decimated of all remaining trees in 2018. A photograph taken April, 2021 is included in APPENDIX 1.
- Photos of the current state of rehabilitation of Pit 1 are provided in APPENDIX 1.
- In addition to the many concerns expressed at the Public Information Centre (PIC) of April 14, 1981, were concerns about progressive and final rehabilitation. The minutes of this meeting are attached as APPENDIX 4, to verify the previous statement.
- Commitments in the 1982 Site Plan Agreement (SPA) for Pit 2 included that Pit 1 and Pit 2 would be entirely fenced in 1982, and berms treed, and that has not occurred to 2021. The SPA reflects the concerns of the participants in the 1981 PIC.
- The subsequent details of potential future use of Pit 1 should not even be included in an application for a license for Pit 3 extension. Pit 1 is not licensed, and PCQ is not applying for a license for Pit 1. MNRF have in the past indicated the current license has NO jurisdiction over Pit 1, and in 1994 they struck reference to the Site Plan Agreement between the City and PCQ in an update of license 4444 for Pit 2, on the basis that MNRF could not enforce a third party agreement.
- Suggesting Pit 1 be filled with excess soil under an ARA application for a different site does not meet the criteria of a license condition, and if Pit 1 is not licensed, it is not enforceable under the ARA. The suitability of Pit 1 for

excess soil should not be dealt with under an ARA license but under the City of Port Colborne Site Alteration Permit process.

- The potential for rezoning of Pit 1 does not recognize that the ANSI on the west wall of Pit 1 will become an accessible feature for public visiting.
- Page 2 of the Planning Justification report indicates City of Port Colborne Official Plan (OP) policies regarding rehabilitation. Of particular note is “within a reasonable time”. Pit 1 was depleted prior to enactment of the Pits and Quarries Control Act of 1971. Yet, Pit 1 is far from rehabilitated. The argument is that Pit 1 is still active as a processing site for ongoing activities. However, this does not excuse the current state, without fencing as agreed in the Site Plan Agreement of 1982, vertical faces that are a hazard, and berms that are not maintained.
- The next paragraph in the Justification Report describes that the OP requires rehabilitation “in conformity with adjoining land designations” and “surrounding existing uses”. Existing surrounding land uses were minimized in a report for the rehabilitation of Pit 1, subsequently referenced by IBI, which of note was not formally accepted by the City. The entire north property line of Pit 1 is opposite rural residential dwellings. The entire west property line is opposite Residential Development (RD) zoned property. The entire east property line is opposite property zoned both residential, and property to be rehabilitated to Passive Water Recreation. There is quoted that Pit 1 rehabilitation to mixed use industrial would be compatible to Passive Water Recreation, based on a water level of 173.0 masl, when it is predicted by the Hydrogeological Report that the water level will reach 178.0 masl, which clearly will be inter-visible between Pit 1 and Pit 2.
- It is also required that rehabilitation must restore ecosystem integrity as per the next paragraph, and that includes the restoration of the aquifer. This is not considered in the subsequent proposal for Pit 1.
- There was a commitment in 1982 that Pit 1 would be rehabilitated in conjunction with Pit 2, to compatible to Passive Water Recreation. This is acknowledged in the Planning Justification Report, Page 16: “It is acknowledged that there is some documentation that these lands were also intended to be rehabilitated to a lake”.

- In addition to the above, mixed-use industrial on imported fill, with associated differential ground movement, excludes almost all uses requiring structures, unless deep foundations are provided, and there are other lands in the vicinity much more suited for such development. Use for transfer stations and other at grade uses would definitely not be compatible with existing and future neighbouring residential uses, nor passive recreation uses with a surface water level merely 2 m below surface ground level.
- Quarries of Category 2 are equivalent to giant wells. A landowner who wishes to abandon a well, as small as it may be, must follow strict Provincial guidelines and materials to abandon said well. These same material restrictions should also be required to abandon a Category 2 quarry.
- One justification for Pit 1 rezoning was based on the current OP designation, which is based on Extractive Industrial, which should be recognized for what it is, which is an interim use, and thus a temporary designation.
- The appropriate and most time effective rehabilitation for Pit 1, and the rehabilitation expected and agreeable to the quarry neighbours, is rehabilitation to Passive Water Recreation, as is described as the final rehabilitation of Pit 3.
- During the on-line Public Information Centre on April 20, 2021, John MacLellan of Port Colborne Quarries stated that the filling of Pit 1 with excess soil was “off the table”. However, this is open to interpretation, and is not in writing. This would require that PCQ formally withdraw their request for a SAP from the City of Port Colborne.

3.2 Pit 2

Rationale for licencing of Pit 2 in 1982

- For clarity, the license under the Pits and Quarries Control Act, 1971, (PCQA), Pit 2 was licensed in 1974. In numerous public comments in 2018, PCQ has stated that the quarry preceded the ownership of area residents. In my case, my wife and I purchased our property at 770 Highway #3 (Part Lot 22, Concession 2, Humberstone) in March 1974, before the first PCQA

license for Pit 2. It is also significantly before the 1982 license for Pit 2 expansion and Pit 3, which is partly on property previously owned by us.

- Residents that moved adjacent to the quarry after the granting of the license knew the rehabilitation agreements and expected the rehabilitation in accordance with the timelines in the reports cited above and following.
- The current license for Pit 2, license 4444, was issued in 1982. In the license it is referred to as the West Pit.
- For reference, the property for Pit 2 expansion under ARA license 4444 extending the licensed area under the 1974 PQCA, was purchased by PCQ after 1975, and some additional property acquired in an exchange of property with my wife and I in 1980.
- The expectation was that Pit 2 would be depleted in 2 - 3 years.
- The expectation was that Pit 2 would be progressively rehabilitated and long-term disruption was estimated by PCQ to be 2 - 3 years, as described in Region of Niagara Planning Report DPD 1489, Page 5, dated November 4, 1981, "... that extraction in the proposed expansion area is likely only to last for some 2 years the likelihood of this potential land use conflict is considered minimal." A copy of the above report is appended as APPENDIX 2.
- The expectation was that the time frame for rehabilitation of Pit 2 as described in City of Port Colborne Planning Department Report 82 – 14 dated May 12, 1982 and amended by Planning Committee dated May 19, 1982, would be within 6 months "after completion of extraction of aggregate". A copy of the letter sent by the City of Port Colborne to the MNR on May 21, 1982, item 11, expressed this condition, and a copy of the letter is included as APPENDIX 6.
- It should be noted that in the mid 1980's PCQ was experimenting with different explosives and in addition to on-site fly-rock, there was at least one that went very much astray. The fly-rock extended a distance of at least 100m off site and hit our adjacent house.
- The prevailing winds are from southwest, and when they shift to north or northeast, there is frequent dust carried to adjacent houses.
- "Because progressive rehabilitation is a key component of the Aggregate Resources Act and a policy requirement of the PPS, to date, PCQ has

created side slopes around the perimeter of the proposed lake and initiated an extensive replanting program above what will be the final shoreline.”

This quote is on Page 8 of the PJR, and the description is far from accurate. APPENDIX 3, attached, contains photos showing the current – April, 2021 condition of rehabilitation, and it can safely be said this pit is not ready to have the pumps turned off to allow the pit to fill with water.

- A subsequent suggestion that Babion Road can be removed to connect Pit 2 and Pit 3 would further extend the timeline for final rehabilitation of Pit 2. The intent of the ARA is that roads could potentially be reduced to above the water levels and restored, or “tunnels” constructed to access between adjacent pits during extraction. The roads are intended to be restored.
- PCQ has already acquired Carl Road, which would be the adjacent easterly parallel access between Second Concession and Highway #3. The immediately adjacent parallel road to the west is Snider Road, and it is an unmaintained clay road and can only be accessed by all-terrain vehicles. The distance from Highway #140 and Miller Road is approximately 3.5 kilometers.
- Pit 2 was projected to be depleted +35 years ago, when it was licensed partially on the basis of a short term conflict with adjacent properties. The objective of the progressive rehabilitation of Pit 2 should include immediate completion of the sloped embankments, for imminent discontinuation of dewatering.
- The final rehabilitation should include immediate movement of the processing plant to Pit 3 and turning the pumps off in Pit 2.
- The impact of allowing Pit 2 to fill with water immediately will be that additional dewatering of Pit 3 will extend the cone of influence to the east, and it will be offset by restoration of the aquifer Top Water Level west of Pit 3.
- During the discussion at the PIC on April 20, 2021 it was suggested that the pumped discharge from Pit 3 be directed to Pit 2. The presenter indicated that this would need approval from MNRF. The rationale of this suggestion is that in addition to the rainfall, there is significant infiltration from the quarry faces. This rate of infiltration is estimated in the Hydrogeological Assessment at 72 litres/minute, and a conservative allowance of 10x this

amount. The lower estimate is 4320 litres/hr, or 103 m³/day, which extends to 37,800 m³/year. That will cover 3.78 ha to a 1 metre depth at the minimum rate, and up to 37.8 ha to 1m depth at the conservative rate. The higher estimate amounts to ½m depth over the entire Pit 2 site.

- As quarrying progresses, the amount of rainfall runoff from the site also increases from normal rainfall runoff (Q=AIR). The runoff factor for flat vegetated agricultural land is approximately 0.2 (20%), and for a limestone floor quarry is nearly 1.0 (100%), an increase of 5x. This difference significantly increases the flow in the Wignell drain. That amount can be directed to Pit 2 without changing pre-quarrying flow in the drain, and drastically reduce the time required to restore the aquifer in Pit 2. It will also allow for sediment settling to reduce the sediment load in the Wignell Drain and drain outlet into Lorraine Bay.
- The discussion during the redirection of the dewatering of Pit 3 in the above bullet also included a discussion on creation of a lake in Pit 2 while activity continued in Pit 3. Cost was mentioned as the controlling factor, as Babion Road would be classified as a dam. Structurally the undisturbed rock is > 50m wide (20m ROW and 15m setbacks each side + sloping) to retain a 12m high water level. The faces of Pit 2 can be sealed with geomembranes installed as the embankments are rehabilitated. Vibration/seismic resistance can be created without disturbance of the in-situ rock. These are only a few of the many methods available to PCQ at reasonable cost.
- It appears that with the proponent is proposing is a relinquishing of obligations for Pit 2 rehabilitation
- The PJR suggests a possibility of future consideration of removal of Babion Road to create a single lake to include Pit 2 and Pit 3. From a recent Tribunal decision on a PTTW application: *“The MECP’s SEV states that the MECP must consider “the cumulative effects on the environment, the interdependence of air, land, water and living organisms, and the relationships among the environment, the economy and society”.* Cumulative effects are defined in the Canadian Environmental Assessment Agency, *Cumulative Effects Assessment Practitioners Guide (1999)*, at 2.1, as the *“changes to the environment that are caused by an action in*

combination with other past, present and future human actions". The assessment of cumulative effects is intended to examine the effects of multiple human activities on the environment. It is to ensure that assessments of environmental harm do not focus solely on the impacts of one project without considering the impacts of other human activities interacting and affecting the environment. This requires an assessment of all sources of harm in an area and consideration of the interdependence of air, land, water and living organisms." To consider only Traffic as the decision basis for this proposal does not meet these requirements.

3.3 Pit 3

Past proposal and license requirements for rehabilitation of Pit 3

- Pit 3 was licensed with the extension of Pit 2 in 1982 under ARA license 4444.
- Progressive rehabilitation as described in the site plans includes Phased rehabilitation of Pit 2 was to occur as extraction progressed in Pit 3. Photos appended verify this has not been completed.

Present Application for Pit 3 Expansion

- The timelines in the current application for extension are vague at best. The Phasing does not break down the rehabilitation timelines much more than to a range in decades.
- Phase 1A encompasses more than 70% of the expansion site and relates the progressive rehabilitation to all of Phase 1. Phase 1A is sub-divided into 1a, 1b, 1c, and 1d. These sub phases are not included in the progressive rehabilitation plan schedule. During the PIC of April 20, 2021, the presenter was not able to provide the areas of the various phases and sub-phases. It was suggested this was simply to identify direction of extraction. However, the Operational plans refer to the phasing in the rehabilitation schedule.
- Based on the area of Phase 1A as it compares to the entire expansion area and a total projected life of the expansion of up to 35 years, the operation plan and progressive rehabilitation plan tied to Phase 1A is approximately 20 – 30 years.

- The Phasing of the extraction, and the progressive rehabilitation, should coincide with the operation plan, which suggests stripping of overburden would be in 2 – 3 year increments, and the rehabilitation should align with that schedule, or as a minimum, a 5 year rehabilitation schedule related to calendar year rather than progress of extraction.
- The Site Plan Notes, Page 16, and Page 17 and Page 18: “Progressive Rehabilitation: As full extraction is progressively completed of portions of Phase 1A, the creation of sides slopes will begin. Side slopes will range from the steepest permitted by the ARA being 2(v) : 1(h) to a shallower slope of 4(v) : 1(h) and will be designed generally as shown on the Final Rehabilitation Plan but subject to site conditions.” The slope designation in this paragraph are incorrect, and should be 2(h) : 1(v), 4 (h) : 1 (v) etc. to be consistent with other reports and the license drawing notes. Since the natural angle of repose of saturated soils is generally about 15°, this requires a 4 (h) : 1 (v) to be stable under water. This characteristic is displayed in the backfill placed along some of the south wall of Pit 1 which was originally placed at a steep angle and is now sloughed due to an unconstrained wet condition. This suggests that the minimum slope should be 4 (h) : 1 (v).
- Blasting has been reviewed in an accompanying report, but it has been residents experience that the current conditions are not followed. There are frequent blasts during overcast weather that create excessive air concussions.
- The Hydrogeological Assessment Report extensively reviews monitoring of recently installed wells. The report does not analyze the designation of the extension area as Significant Groundwater Recharge Area (SGRA). Changing the area to a quarry removes the SGRA designation and the significant contribution of the surface water/rainfall to the aquifer. This includes the current contribution to the wells within the cone of influence of the proposed expansion.
- The hydrological and hydrogeological reports are focussed on the life of the quarry activity. There is no mention of the post-quarry impact and what is required prior to relinquishing the license. During the PIC on April 20, 2021 this was mentioned. The response was that the MNRF will require how

extensively the quarry floor will need to be cleaned prior to allowing the site to become filled with water. This same MNRF scrutiny must be applied to Pit 2, and it should be written into the license.

- The Hydrogeological Assessment Report assess the impact as if this proposal is a stand-alone quarry but does not assess the extension of the existing east-west 2200m long quarry by a proposed additional 1000m. A Cumulative Impact Assessment (CIA) of the groundwater would predict the extension of the cone of influence on the aquifer at the middle of this groundwater interceptor trench. Principle No. 4 of the MECP's Permit to Take Water Manual, dated April 2005 ("Permit Manual"), states that the MECP must consider the cumulative impacts of water takings, take into account relevant information on watershed/aquifer conditions, and may initiate a watershed scale or aquifer scale assessment beyond a local-scale impact assessment. It is suggested that applications for a Permit to Take Water (PTTW) include the CIA and that the PTTW for Pit 1 and Pit 2 be for a period of 5 years and the progress on rehabilitation of Pit 1 and Pit 2 reflect the commitment and reduction of the impact on the aquifer. This will also provide the data to verify the reduction of the cone of influence when Pit 1 and Pit 2 are no longer dewatered.
- The expansion of Pit 3 will create an even greater trough for an extremely long period of time unless progressive rehabilitation proceeds in a timely manner with directly stipulated dates. Repeating an earlier quote: *"The MECP's SEV states that the MECP must consider "the cumulative effects on the environment, the interdependence of air, land, water and living organisms, and the relationships among the environment, the economy and society". The assessment of cumulative effects is intended to examine the effects of multiple human activities on the environment. It is to ensure that assessments of environmental harm do not focus solely on the impacts of one project without considering the impacts of other human activities interacting and affecting the environment. This requires an assessment of all sources of harm in an area and consideration of the interdependence of air, land, water and living organisms."* The cumulative impact can be partially mitigated with proper and timely rehabilitation.
- The rehabilitation plan in the Planning Justification Report is contradictory in that the Planning Justification Report, and in the Site Plan Notes, Page 6,

the berms will be retained, and on Page 19 it states the berms will be removed and used for sloping the quarry walls. “Berm Removal: As much of the on-site berms as possible will be removed once quarrying is complete with the subsoil and topsoil used to rehabilitate the final quarry side slopes above the final water limit (178.0 masl). However, where planted vegetation has grown and become mature on the exterior side of the berms, those portions of the berms may be retained.” The timing of the removal of the berms needs to be clarified.

- In accordance with the ARA, asphalt recycling and recycled aggregate storage is not permitted in the groundwater table. The Planning Justification report, page 14, states: “Within the existing facility (Pit 2) and as part of the proposed facility (Pit 3), PCQ will continue to undertake the off-site recycling of aggregate related resources (i.e., asphalt, concrete). The Site Plan Notes, Page 5: “24. Recycling: Recycling of asphalt and concrete will not be permitted on this site.” The conflicting statements should clearly prohibit this activity in the groundwater table. Also of note, Pit 2 is not licensed for aggregate recycling of imported materials.
- Recycling of aggregate is no longer included in the license annual limits. However, the estimated timeline for extraction, and by extension the time for progressive and final rehabilitation, will be extended if this reduces the demand for virgin aggregate from this site.
- The measured distance from the east wall of Pit 3 to the west wall of Pit 1 is 2200 m. This is the approximate distance the internal haulage vehicles must travel for each load of aggregate hauled to the current location of the processing plant. That is a round trip distance of travel of more than 4 km. The emissions from the haulage vehicles is avoidable by reducing this haulage. This will be drastically reduced by relocating the processing facility and creating a new access, and should be conducted within the first 5 years of a new license for Pit 3 extension.
- The Site Notes, Page 3 states: “11. Scrap: No scrap will be stored on-site but will be stored either in the Port Colborne Quarries Inc. Pit 1 or within License 4444 (Pit 3).” Scrap storage should be restricted in accordance with the latest revisions to the ARA. Statement 11, above, is contrary to the ARA.
- The material from the New Humberstone Speedway should not be used for berms or quarry face rehabilitation, as it has not undergone a Record of

Site Condition (RSC) review, and is proposed to be placed within the High Vulnerable Aquifer. During the PIC on April 20, 2021 this was questioned. It was indicated by a presenter that the Region of Niagara has requested a Phase 1 RSC. It is suggested that the Phase 1 RSC was already described by another caller to the PIC, and this should extend to a Phase 2 RSC, and further if this confirms identified concerns of previous activity on this portion of the site.

- The Site Plan Notes, Page 4, 17 b) iv) suggests importing of fill for quarry face sloping. Based on the extent of overburden, identified by the borehole logs for the north portion of the Phase 1B and Phase 2 to be an average of 6m – 7m thick and greater to the north extent of Phase 2, there is adequate overburden that the risk associated with importing fill is not supportable. Stepped quarry faces can supplement the cut/fill balance to optimize the available sloping materials.
- The setback from the wetlands is proposed to be just 10m, and proposed to be extended from 1 side to 3 sides of the wetlands and woodlands. Although the subsoils are competent clay, they are still susceptible to reduced water retention. The setbacks should meet the NPCA standard of 30 m, with berming and fencing to ensure complete long-term protection of the wetlands, and there should be no quarrying on the east of the wetlands and woodlands. The groundwater level should be frequently monitored to ensure it is not impacted, and if it is changed, it should be immediately replenished. Further, the existing drainage by the east branch of the Wignell Drain should be retained.
- The proposed quarry area is in the plume of the deposition of emissions from INCO, now Vale. There is no recognition that the soil may contain nickel, arsenic, cobalt, copper, mercury and other heavy metals from past INCO operations. An extensive Community Based Risk Assessment (CBRA) was conducted over about a 10 year time frame. Reference and consideration of this is completely missing.
- The justification for quarrying of the Phase 3 area does not match the potential volumes of aggregate in the other zones. See APPENDIX 5 for calculations and commentary.

Summary

- Based on this quarry's record of rehabilitation, as shown by the appended photos, the residents have good reason to question the sincerity of the planned progressive rehabilitation.
- In complaints to the City Council regarding the state of rehabilitation of PCQ, the residents have been told there is no date stipulated, and therefore cannot be enforced.
- It is suggested that the Regional Municipality of Niagara and the City of Port Colborne only rezone the lands west of the former Carl Road, until PCQ has proven that they have carried out their commitments as agreed in the license, and that they have not impacted the local properties with noise, dust and vibration.
- Including backfilling of the unlicensed Pit 1 and the subsequent suggestion for rezoning of Pit 1, in an application for license of a remote site, does not fall under the jurisdiction of the ARA. The rehabilitation of the unlicensed Pit 1 should be dealt with by the City in accordance with the 1982 Site Plan Agreement.
- Phase 3 should be reduced to only include the south portion, retaining the Wignell Drain. This will provide some additional protection of the wetlands and woodlands and eliminate the need to alter the branch of the Wignell Drain that currently extends into the wetlands and woodlands.
- Not enforcing progressive rehabilitation and final rehabilitation leads to use of the site(s) for other uses, such as unapproved storage of materials like the storage of windmill components in Pit 2 in 2016. The MNRF should be conducting in-person verification that the license conditions are being carried out.
- There should be specific requirements for progressive rehabilitation related to calendar dates, and not exceed 5 year intervals.
- The processing facility should be moved to Pit 3 within the first 5 years of a new license for Pit 3 extension.
- The access to Highway #3 should be created within the first 5 years of a new license for Pit 3 extension.

- After +50 years of depletion of Pit 1, and after +20 years of depletion of Pit 2, final rehabilitation of Pit 2 should be completed within the first 5 years of a new license for Pit 3 extension.

Respectfully Submitted,

Jack S Hellinga

Appendix 1 – Photographs of Quarry Faces of Pit 1

Photographs taken April, 2021



Middle of East Wall of Pit 1



Southwest end of South wall of Pit 1



Light Industrial (formerly High Commercial) Lot at Southwest corner of Pit 1

#3

DPD 1489
November 4, 1981
RE-am.10
QU

Report to: Mr. Bell, Chairman and Members of the
Planning and Development Committee

Mr. Campbell, Chairman and Members of
Regional Council

Councillors:

Proposed Regional Policy Plan Amendment No. 10
Expansion of Port Colborne Quarries
City of Port Colborne

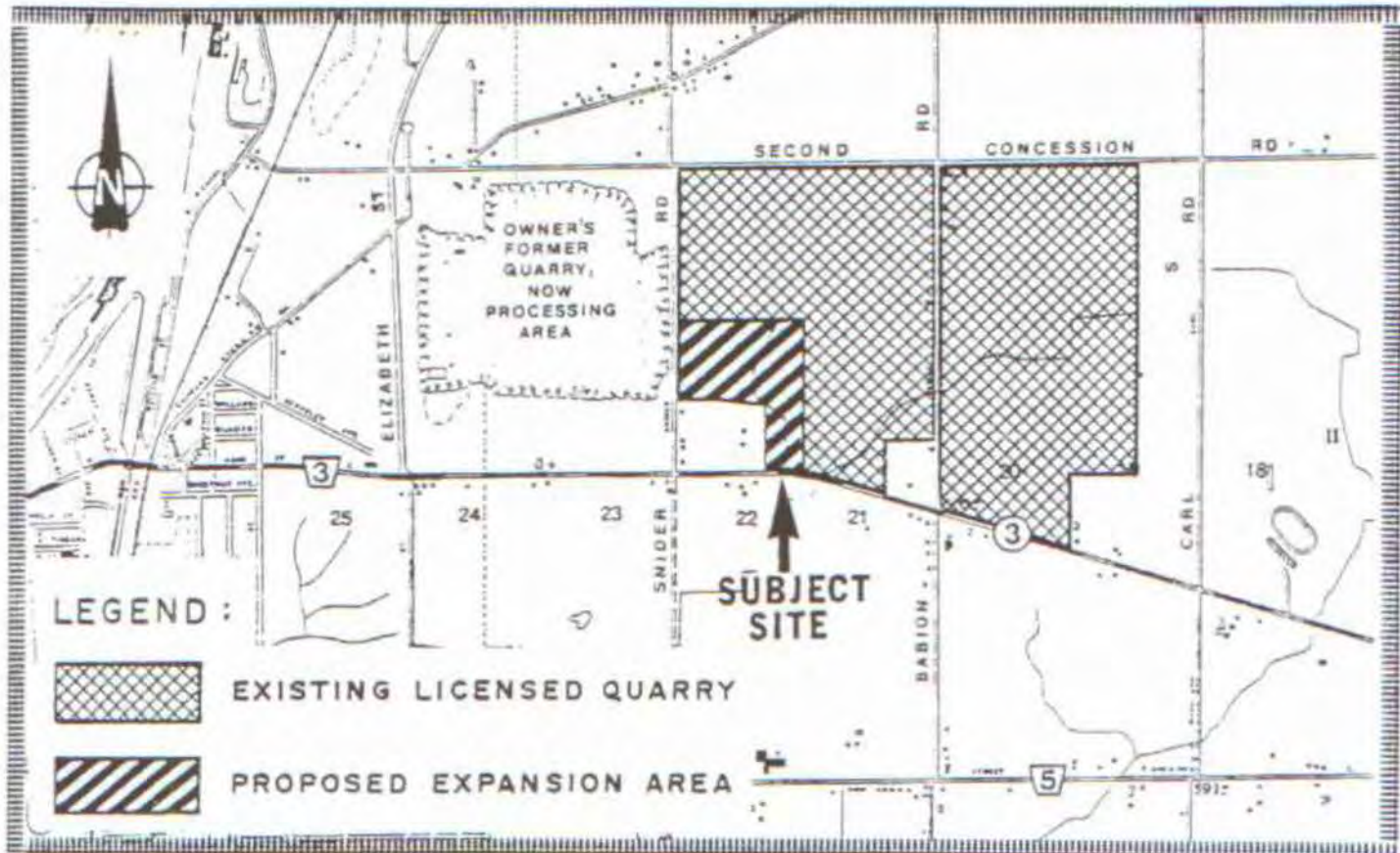
On January 26, 1981, an application was received from Port Colborne Quarries Ltd. to amend the Regional Niagara Policy Plan to permit a 32 acres (12.8 ha) expansion to their quarry located north of Highway 3 and east of Snider Road in the City of Port Colborne (see location map).

An amendment to the City of Port Colborne Official Plan covering a part of the expansion area is also required. In addition to amendments to the local and Regional Official Plans, Port Colborne Quarries is also required to obtain a license to quarry from the Minister of Natural Resources under the authority of The Pits and Quarries Control Act, 1971.

Background Information

In 1974, a license to quarry was issued to Port Colborne Quarries Ltd. covering some 320 acres (128 ha). Under the provisions of this license the quarry was permitted to extract 2 million tons of aggregate a year. At the present time most of the licensed area located west of Babion Road has been quarried. However, some 170 acres (68 ha) of the area licensed in 1974 and located east of Babion Road is yet to be quarried. Over the past two years the City of Port Colborne and Port Colborne Quarries have been attempting to resolve through a site plan agreement a series of issues related to the past, present and future operation of the quarry.

PROPOSED POLICY PLAN AMENDMENT No 10
PORT COLBORNE QUARRIES LTD / QUARRY EXPANSION
CITY OF PORT COLBORNE



LOCATION MAP
1 : 24 000

Brief History of the Amendment Application

- January 26, 1981, application received from Port Colborne Quarries to amend the Regional Policy Plan.
- January 28, 1981, Report DPD 1412 was approved by the Regional Planning and Development Committee authorizing staff to proceed with the proposed amendment.

- March 9, 1981, submission by applicant of a site plan for the quarry expansion and some additional detailed information.
- March 25, 1981, preparation of a technical background information report and distribution to various agencies for their preliminary technical comments.
- April 14, 1981, a joint public meeting was held with the City of Port Colborne to consider and receive comments from the public. At this meeting a number of concerns of the public was raised including:
 - rehabilitation of the existing licensed area.
 - the impact of noise, vibration, and dust from both the existing quarry and the proposed expansion area.
 - the effect of the expansion on well water supplies.
 - the impact of water discharge from the quarry into roadside ditches and Wignell Drain.
 - the height of berms and stockpiles of overburden material around the site.
- May 20, 1981, the City of Port Colborne agreed that they would not consider an amendment to their Official Plan until the concerns of the residents had been properly dealt with by Port Colborne Quarries.
- May 27, 1981, Memo 782 which outlined the status of the application to that date was received by the Regional Planning and Development Committee.
- August and September 1981, several meetings with Port Colborne Quarries, the City of Port Colborne, Regional Planning Staff, the Ministry of Natural Resources, the Niagara Peninsula Conservation Authority and the Ministry of the Environment.
- October 14, 1981, the City of Port Colborne agreed to enter into a special site plan agreement with Port Colborne Quarries and agreed to support a local Official Plan amendment to permit the quarry expansion.

Comments

Policy 7.E.5 in the Regional Policy Plan sets out a series of criteria against which all applications for new quarries or expansions to existing quarries are considered. These criteria include:

- a) demonstrated need;
- b) compatibility with surrounding land uses;
- c) the impact on the natural environment including surface watercourses and groundwater;
- d) the proposed manner of operation, site plan and rehabilitation;
- e) the proposed haulage roads and the possible effect on the roads concerned on adjacent development.

a) Demonstrated Need

Since 1974, Port Colborne Quarries had produced an average of approximately 1.2 million tons of stone annually. At present, the quarry has approximately an 18 year supply of material in the licensed area east of Babion Road. The licensed area west of Babion Road is virtually depleted.

It is assumed that the reason for wishing to expand the quarry onto this 32 acre parcel is to provide an interim supply of aggregate material pending the bringing into production of the larger existing licensed area. This expansion area is contiguous to the site already being quarried and represents a logical step for the quarry to take from an operational viewpoint and also from the point of view of taking full advantage of a conveniently exploitable resource.

It cannot be argued that this expansion is needed to meet any local or Regional need. Some 85% of the aggregate material is exported to the United States. However, 15% to 20% of the material does serve the local market. There are a number of other nearby quarries including R.E. Law Crushed Stone in Wainfleet and Ridgemount Quarries in Fort Erie which produce a range of material similar to Port Colborne Quarries.

It is probably inappropriate to attach too much importance to the criterion of need in the case of this particular relatively minor expansion to Port Colborne Quarries. This proposed quarry expansion will only add some 2 years to the existing 18 year supply already licensed. Perhaps more importantly, the issue of demonstrated need should properly only become of critical importance if there is a strong reason to suspect that approval will have a serious impact on the surrounding residents or the natural environment.

b) Compatibility with Surrounding Land Uses

The area in the immediate vicinity of the proposed expansion area is presently rural in character. However, the Regional Policy Plan shows the area to the south and west of the quarry as being within the urban areas boundaries for the City of Port Colborne. The Official Plan for the City of Port Colborne, designates the area to the south and west of the proposed expansion area as urban residential. This land use should not normally be considered compatible with an operating quarry particularly if provisions are not made to ensure protection against noise, vibration, dust and fly rock originating from the quarry. Given the fact that development in this area is not anticipated in the near future and that extraction in the proposed expansion area is likely only to last for some 2 years the likelihood of this potential land use conflict is considered minimal.

At present, there are 5 existing residential dwellings located north of Highway 3 to the south and west of the site and 2 dwellings south of the site and south of Highway 3. The distance separation between the edge of the quarry face and the nearest residential dwelling will be approximately 300 feet.

Of particular concern in assessing land use compatibility are the factors of noise, vibration, dust and flyrock.

Port Colborne Quarries through their consultant Philip R. Berger and Associates Ltd. prepared a noise and vibration study. This study has been submitted to the Noise Pollution Control Section of the Ministry of the Environment in order to determine

what measures will be required to ensure that the operation of the quarry meets current noise and vibration standards of the Province. To date, the Noise Pollution Control Section has not formally responded to this report. However, the Quarry has agreed to the following measures:

- i) setbacks from Highway 3 and the nearest residential dwelling which exceed the minimum distance setback standards set out in The Pits and Quarries Control Act 1971.
- ii) the imposition of blasting limits of 40 holes a day.
- iii) the use of sequential blasting techniques.
- iv) the construction of a temporary 18 foot earth berm along the southern and western boundary of the quarry expansion area.
- v) the acquisition and use of noise monitoring equipment to measure noise and vibration from the blasting operations to ensure that Ministry noise standards are adhered to.

It should be noted that the above measures taken by Port Colborne Quarry while helpful in trying to meet Ministry of the Environment noise standards will not necessarily eliminate future complaints regarding noise and vibration from the surrounding residents. Quarries by the nature of their operation are almost assured of creating some nuisance. However, the precautions taken by the quarry should reduce the potential nuisance. However, a final judgement on the impact of noise and vibration will have to await the final comments of the Ministry of the Environment.

The issue of flyrock has not been mentioned in the past as a problem or of particular concern by any of the commenting agencies, the general public or by the City of Port Colborne.

The problem of dust has been mentioned as a serious and long standing concern by residents in the area and by the Ministry of the Environment. The complaints regarding dust have been associated not with the quarry itself but with truck traffic moving from the quarry along Second Concession Road. Port Colborne Quarries have agreed to make a financial contribution to the City of Port Colborne to enable the resurfacing of Second Concession Road and to construct ditches on either side of the Road. It is expected that these measures will assist in a more effective cleaning of the road surface and help to reduce the potential problem. The quarry has agreed as well to continue to carry out periodic cleanings of the road surface. The Quarry presently makes use of a "sonic dust suppression" unit to control dust in their processing operation.

c) Impact on the Natural Environment

i) Ground Water

The Ministry of the Environment has carried out a preliminary study of the impact of the quarry on well water supplies in the vicinity of Port Colborne Quarries. A total of some 200 wells were tested. As a result, a zone of interference was identified within which water supplies would be affected. Only 2 wells were identified as being adversely affected by the quarry's dewatering operation. The Ministry of the Environment has noted that the quarry expansion will likely result in an increase in the zone of well water interference. Port Colborne Quarries has been operating under the provisions of a "Permit to Take Water" under The Ontario Water Resources Act. According to the legislation, the quarry operator is responsible for rectifying any private well water problem attributable to the quarry operation. Port Colborne Quarries is presently negotiating with the two individuals involved to solve their water problems in a manner acceptable to the property owners and to the Ministry of the Environment.

Port Colborne Quarries has also agreed to carry out a more detailed hydrological study in the area prior to any expansion. This Study is intended to assist the Ministry of the Environment to monitor any adverse impact on well water supply resulting from the longer range operations of the Quarry.

ii) Wignell Drain

The Niagara Peninsula Conservation Authority in their preliminary technical comments expressed concern regarding the potential impact of the proposed quarry expansion on Wignell Drain. Wignell Drain is used as a discharge source for ground water and surface water accumulation in Port Colborne Quarries. The concerns of the Niagara Peninsula Conservation Authority relate to the problem of periodic flooding and the quality of water in the drainage channel. A Study carried out by Gartner Lee and Associates for Port Colborne Quarries investigated the impact of the quarry water discharge on Wignell Drain. This Study has been submitted to the N.P.C.A. for their comments. However, to date no response has been received by the Region.

Port Colborne Quarries has agreed to limit water discharge into Wignell drain during periods of high surface water runoff and to construct a retention pond in the quarry to permit both the storage of any accumulated water and to enable the settling out of any silt prior to being discharged into Wignell Drain. They have also agreed to contribute to an independent drainage study of Wignell Drain.

d) Operation Site Plan and Rehabilitation

According to the site plan for the proposed expansion, the extraction sequence will be from east to west and will be completed in approximately 2 years. Aggregate material will be transported by truck to the crushing facilities located in the original pit west of Snider Road.

It is proposed to construct a temporary 18 foot earth berm along the brim of the southern and western edge of the quarry face. A five foot high steel fence is to be constructed around the property. Landscaping will include a continuous 9 foot high grassed and treed earth berm. Upon completion of the aggregate extraction the slopes of the quarry face are to be sloped at a 2:1 gradient. The eventual end use of the quarry is for water related recreation purposes but will not occur for some 20 years or until the supply of material to the east of Babion Road has been extracted.

e) The Possible Effect on Roads

In the past, truck traffic from the quarry has exited onto Highway 140 with the bulk of aggregate material apparently transported directly to the Canal loading dock area. This pattern of truck movement is expected to continue with a continued crossing at Snider Road. No Regional Roads appear to be associated with the transportation of material from the site.

As mentioned earlier there has been a long history of complaints regarding dust from residents living adjacent to Second Concession Road. However, it is expected that the agreement reached between the quarry and the City regarding road maintenance and reconstruction to Second Concession Road should alleviate or at least significantly reduce the problem of dust for the residents.

Conclusion

The proposed expansion to Port Colborne Quarries represents a relatively minor extension to its existing licensed area. In the past the impact of the quarry has been a source of concern and complaints by the City of Port Colborne and nearby residents. This is perhaps not surprising given the size and nature of the quarry and its proximity to existing residential development in the vicinity. The lengthy negotiations regarding this proposal to expand the quarry were primarily directed to rectifying the past and possible future concerns associated with the entire quarry operation.

It should be noted that the Region will have an opportunity to provide additional detailed comments to the Minister of natural Resources regarding this proposal as part of the license to quarry application under The Pits and Quarries Control Act. Any additional detailed comments and concerns from the Ministry of the Environment and the Niagara Peninsula Conservation Authority can be incorporated at that time.

Recommendations

1. That Amendment No. 10 to the Regional Niagara Policy Plan to permit the expansion of Port Colborne Quarries be approved.

Recommendations cont'd

2. That a by-law adopting Policy Plan Amendment No. 10 be prepared and forwarded together with the necessary support information to the Minister of Municipal Affairs and Housing for approval.

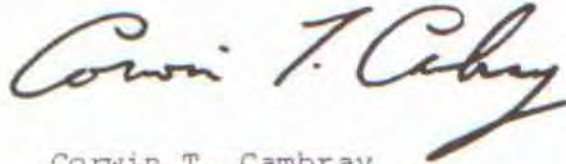
Prepared by,



Drew Semple
Planner

/svb

Respectfully submitted,



Corwin T. Cambray
Manager
Policy Planning

APPENDIX 3

Photographs of Pit 2 Quarry Faces

Photographs taken April, 2021



South End of West Face Overview of Pit 2

Note the stored material, and equipment, on the floor of Pit 2



South Face of Pit 2



West Face of Pit 2

MINUTES

Re: Public Information Meeting, Port Colborne Quarries Limited
April 14th, 1981, 7:00 P.M.
Council Chambers, City Hall, Port Colborne

Purpose: To receive comments from the public on the proposed expansion of Port Colborne Quarries to include an approximate 32.0 acre parcel. Such expansion necessitates modification to the Port Colborne Official Plan and amendment to the Regional Policy Plan.

Attendance: Council Members: Aldermen Hallborg and Murray
Regional Staff: D. Semple, Planner
C. Cambray, Planner
Municipal Staff: G. Barker, City Planner
N. Ord, Planning Technician
Representatives for the Applicant: D. Balazs
R. T. Haggerty, D. R. Tolmie
31 interested persons - see list attached.

With Alderman Hallborg acting as Chairman, the meeting commenced at 7:15 P.M. Referring to the newspaper notice for the Public Information Meeting, the Chairman described the intent of the meeting and outlined the format for questions and comments from those in attendance.

Mr. Barker was invited to describe in further detail the intent of the meeting and commenced by referring to the reasons for Regional Policy Plan Amendment and Port Colborne Official Plan modification. Since the Regional Policy Plan notes areas to be quarried and names the location of new quarrying applications, the subject approximate 32.0 acres parcel requires Regional Policy Plan acknowledgement. With regard to the Port Colborne Official Plan, modification to acknowledge the westerly section of the subject property as Industrial Extractive is required before quarrying activity can be carried on.

Mr. Barker briefly related the history of the Pits and Quarries Act noting its commencement in 1971 as a means of administering new quarrying operations. Mr. Barker also noted the existing licensed area of Port Colborne Quarries to include 320.0 acres of land east of Babion Road, east of Snider Road and west of Babion Road. The Municipality and Port Colborne Quarries have carried on negotiations since the license^{resource} in 1972 for a site plan agreement naming, among others, the following conditions of development:

1. 100 ft. setback from Snider Road with berming, grading and planting agreeable to the residents of the area, Port Colborne Quarries and the Municipality.
2. 300 ft. setback from Highway No. 3.
3. Contained within the setbacks, the Quarries must indicate a rehabilitation program of grading and berming involving a 9 foot high berm, tree planting and sloping of the depleted quarry area in preparation for future man-made recreational use.

Comments invited from Regional Planning Department Representatives commenced with Mr. Cambray describing the intent of the meeting and the approval process from a Regional perspective. Mr. Semple followed with the distribution of a fact sheet which described the Regional Role in detail and specified the criteria for evaluating the expansion of or creation of quarrying operations. Mr. Semple also described in detail the future approval process.

The comments invited from Port Colborne Quarries Limited representative

Mr. Balazs were summarized in letter form and noted that existing quarrying capacities would be exhausted by July, 1981 and without increased lands to quarry, employee lay-offs would result. The proposed approximate 32.0 acre expansion area would provide stone for quarrying to 1982. Mr. Balazs stressed the site plan agreement to be signed with the Municipality would require certain setbacks, and landscaping to ensure compatibility with surrounding land uses.

The following comments and questions were invited from those in attendance:

Question:

Mr. J. Hellinga, 770 Highway No. 3.
Wished clarification on the timing for rehabilitation of the exhausted quarry areas; whether rehabilitation would take place upon total depletion of quarry lands therefore resulting in an area adjacent to existing homes without rehabilitation for a number of years.

Answer:

Messrs. Balazs and Haggerty both responded with the assurance that the rehabilitation by berming and grassing of the 32 acre parcel would take place prior to stone extraction. Full-rehabilitation to a water-filled recreation area with sloped banks would result upon completion of the quarry.

Mr. Barker summarized and repeated that recreational use of the quarry would occur upon quarry relocation or completion.

Question:

Mr. W. Huffman, Lorraine Rd. & Hwy. 3
Mr. Huffman made the Chairman aware of his past written objection to the Ministry of Natural Resources to the issuance of quarrying license to Port Colborne Quarries and that his residence is located 2000 feet from the quarry. Concerns regarding dust problems on Ramey Road; overcharge blasting; illegal stop signs on Snider Road; what is being dumped in the empty quarry; the height of berming along Babion Road; the need to hire legal help to protect damage to property and potential water loss were cited.

Answer:

Mr. Haggerty responded by noting that the area in question is further from his home than past quarried areas; the stop signs were placed at Snider Road for safety reasons and an agreement has been reached with the residents on Babion Road to lower the berm.

Alderman Murray stressed that past resident problems, including the berming along Babion Rd., have not been resolved quickly enough and have resulted in negative public relations. Mr. Barker clarified by noting that the original 27-30 ft. high berm on Babion Road was reduced to about 13.5 ft. Since City survey crews were not on hand at the time of reduction to measure the resultant height, the agreed upon height of 10-12 ft. in height was not created. Mr. Barker further noted that an 18 ft. berm is the requirement for the screening of quarrying operations in Wainfleet. In summary, Port Colborne Quarries rep's. assured the Chairman that the berm would be further reduced pending the return of weather conditions suitable for the earth-moving machinery to mount the berm.

Question:

Mr. Hellinga.
Requested clarification of the designation of his lands west of the Port Colborne Quarries property on the North Side of Highway No. 3.

Answer:

Mr. Barker referred to the Official Plan land use clause which

notes that the boundaries between land uses are general and that adjustments can be made provided the general intent and purpose of the Official Plan is maintained. In summary, Mr. Barker was satisfied that the inclusion of Mr. Hellinga's property within the Urban Residential designation of the Official Plan would meet the general intent and purpose of the Official Plan and an Official Plan amendment was not required. Mr. Semple further clarified that it was not the Region's responsibility to comment on such detailed designations.

Questions:

Alderman Hallborg. Followed up the Region's comments and noted concern with the proposed expansion and its:

- (1) impact on the natural environment (referring to dust problems on second concession road and the unsigned status of the site plan agreement;
- (2) impact on ground water (referring to a report that two wells on Chippawa Rd. have gone dry - Messrs. Codie & McAllister).

Answer:

Mr. Barker noted that two items are outstanding in the site plan agreement involving the paving of the shoulders of Second Concession Road, the reconstruction of Second Concession Road and the use of a flusher truck to keep dust down. With reference to the ground water problem, Mr. Haggerty referred to comments of former Minister of Environment, Dr. Parrott, noting that the lack of legal rights to water. Further, Mr. Haggerty stated that the Quarries has installed cisterns for wells which have been dried by its activities.

Mr. Barker noted that conditions of license issued for dewatering by the Ministry of Natural Resources require the provision of potable water. The mandate for complaint and enforcement therefore rests with the Ministry.

Question:

Mr. G. Horpenuck, 1051 Lorraine Rd.

Mr. Horpenuck noted complaints relating to a cistern which was cracked by quarry activity have been outstanding for four years.

Mr. Balazs stated that the Quarries was aware of the complaint and felt that the cistern was not originally constructed for such purpose; had been converted to a cistern; was now experiencing leaking and the owner was blaming the quarries without full investigation.

Mr. Tolmie, Solicitor, Port Colborne Quarries.

Noted that about 80% of those persons in attendance were in support of the Quarry expansion. A quick count was taken and a total of 26 persons were noted to be in favour of the proposed quarry expansion. It was pointed out by the Chairman that a large number of those in support were employees of Port Colborne Quarries Limited.

Question:

Mr. Hellinga.

Noted that he was not an employee of Port Colborne Quarries Limited and did not object to the proposed expansion but rather was concerned that greater restrictions should be placed on rehabilitating the old quarry and the unsloped quarry sides. Mr. Hellinga also enquired as to the height of the stock pile berm for the proposed expansion area.

Answer:

Mr. Haggerty noted that a shielding berm of 9 ft. in height would perimeter a stockpile berm of 18 ft. in height. Such a stockpile berm would provide sufficient earthen support for depleted quarry sides at a 2:1 ratio. Mr. Haggerty also referred to the site plan

agreement to be signed which referred to the fencing and safety of the old quarry pit.

Mr. Hallborg reiterated his concerns to be the resolution of problems relating to the loss of water to wells, blasting and the rehabilitation of existing roads.

Comment:

Mr. G. Lance, Employee of P.C. Quarries
Mr. Lance spoke on behalf of the employees of Port Colborne Quarries and noted their concern about the Quarry being relicensed and the landscaping, berming and fencing to be provided.

Question:

Mr. R. Phillips, Lorraine Rd. & Hwy. 3, Employee of P.C. Quarries.
Mr. Phillips noted that his well is 25 ft. deep and has experienced no water loss problems. Should problems occur with the quarrying of the area east of Babion Road he was concerned as to how one could be assured of compensation.

Answer:

Mr. Haggerty responded by noting the responsibility of the Ministry of the Environment and Ministry of Natural Resources in enforcing the conditions of the dewatering license but noted that such complaints could be addressed directly to the Quarries.

Upon the cessation of questions and comments, Mr. Semple summarized by stressing the preliminary nature of the application.

Meeting adjourned at 8:30 P.M.

Minutes prepared by:
Nancy Ord
Planning Technician

xc: Region of Niagara.

APPENDIX 5

Review of Phase 3 quarrying proposal

Hydrogeological Report (Golder, 2020):

Page 52 – Map of Ground levels: Phase 3, 182 – 183 masl

Page 54 – Map of Top of Williamsville Unit level: Phase 3 Middle +/- 174 masl

- North 172 – 173
- North Centre 173 – 174
- Centre South 174 – 175
- South 175 – 176

Page 56 – Map of Bottom of Falkirk Unit: Phase 3 area +/- 170 masl

Overburden thickness: 8m – 10m (182masl minus 172/174masl)

Suitable Aggregate to bottom of Falkirk Unit: 2m - 4 m average thickness (172-174masl minus 170masl)

Area of Phase 3: +/- 4 ha (40,000 m²), less setbacks and sloping of overburden

Volume of aggregate available: < 160,000 m³ (40,000m² x <4m) = < 430,000 tonnes

Total aggregate in entire expansion area: 40M – 50M tonnes

Volume available in Phase 3 = less than 1% of total on site

Expansion into the north portion of Phase 3 will cut off the Wignell Drain east branch which extends into the wetlands and woodlands.

Expansion into the north portion of Phase 3 will create a third side of drainage and create a peninsula for the wetlands and woodlands.

Expansion into the north portion of Phase 3 will restrict movement of species and wildlife.

Planting now will promote the corridor for wildlife movement to the north side of 2nd Concession Road.



CITY OF PORT COLBORNE
239 KING STREET, S.S. 2B00
POSTAL CODE L3K 4Y8

May 21, 1982

J.E. Dickinson, District Manager
Ministry of Natural Resources
Niagara District
P.O. Box 1070
Fonthill, Ontario
L0S 1E0

Dear Sir:

Re: Application for License to Quarry
Port Colborne Quarries Limited
Comments, City of Port Colborne

Further to your correspondence of April 20th, 1982 please be advised that the Planning & Development Committee of Council of the Corporation of the City of Port Colborne has recommended to Council that Planning Department Report #82-15 (a copy of which is attached hereto) be approved and its recommendations carried out.

The recommendations of said report, as amended by the Planning & Development Committee, are:

1. That the City of Port Colborne supports the approval of a license to quarry the subject 12.9 hectare expansion by Port Colborne Quarries Limited, subject to the foregoing recommendations.
2. That the Ministry of Natural Resources clarify the approval status of the City of Port Colborne's Official Plan and Restricted Area (Zoning) Bylaw relative to the land use designation and zone affixed upon the subject site.
3. That the Ministry of Natural Resources issue a license to quarry to Port Colborne Quarries Limited only after the Minister of Municipal Affairs & Housing has modified the Official Plan for the Port Colborne Planning Area.
4. That the Ministry of Natural Resources incorporate the comprehensive site plan agreement between the City of Port Colborne and Port Colborne Quarries Limited dated February 4th, 1982 as a condition of issuance of license to quarry.

5. That Port Colborne Quarries Limited be required to establish and maintain a hydro-geological monitoring study, satisfactory to the Ministry of Environment.
6. That water discharge into the Wignell Drain be limited so as not to have an adverse impact upon the Wignell Drain.
7. That the proposed drainage courses be excavated and drainage system functional, prior to removal of any overburden and extraction of aggregate to prevent flooding of neighbouring properties.
8. That a settling pond be established to allow for the settling of suspended particles thereby improving upon the water quality discharge into the Wignell Drain.
9. That Port Colborne Quarries Limited discontinue the dewatering of the site into the Babion Road roadside ditch, rather the existing branch of the Wignell Drain that transverses the south-eastern portion of the licensed area.
10. That Port Colborne Quarries Limited adhere to the recommendations of the Ministry of Environment respecting noise and ground vibration controls.
11. That a six (6) month time period be imposed, after the completion of extraction of aggregate has occurred, for the rehabilitation of the subject site.
12. That Port Colborne Quarries Limited maintain the water elevation of the settling pond at a maximum of 555 feet.
13. That staff be instructed to advise the Ministry of Natural Resources of the recommendations of the Planning & Development Committee prior to May 21st, 1982.
14. That staff be instructed to meet with the Ministry of Natural Resources to assist in the preparation of Ministerial conditions of license to quarry.
15. That the Ministry of Natural Resources, Port Colborne Quarries Limited, Ministry of Environment, Niagara Peninsula Conservation Authority and Regional Niagara be advised accordingly.
16. That Port Colborne Quarries Limited supply the City with written confirmation prior to Tuesday, May 25th, 1982 that the \$10,000 payment for the reconstruction of Second Concession Road be deposited with the Municipality once appropriate approvals from the Ministry of Municipal Affairs & Housing and the Ministry of Natural Resources have been obtained to facilitate the Quarries expansionary program.

Should you require further information or clarification, please do not hesitate to contact this office.

cc: J. Fraser
A. Veal
D. Balazs
R. Minnes

Yours truly,

221

Via E-mail attachment and Canada Post

From:

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

To:

The Applicant
c/o Shawn Tylee
Port Colborne Quarries Inc.
222 Martindale Road, P.O. Box 1116
St. Catharines, ON L2R 7A3
STylee@RankinConstruction.ca

Ministry of Natural Resources and Forestry
Integrated Aggregate Operations Section
4th Floor South, 300 Water Street
Peterborough, Ontario K9J 3C7
ARAAggregates@ontario.ca

Objections to: Application No. 626511

Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

**Planning Justification Report and Comprehensive Rehabilitation
Strategy**

Rehabilitation: Past, Present and Future

General Observations

It is understood that pits and quarries are a necessary activity and land use, and that they must be located where the resource exists.

The demand for aggregates and the accommodations of the Provincial Policy Statement (PPS) do not override the protection of the environment, the existing land use constraints, and the legal rights of adjacent properties. It is expected that the activity will be carried out with minimal impact to the environment, local property owners, and infrastructure.

It is expected that commitments made to obtain a license will be honoured, and that the commitments will be enforced.

It is also recognized that reduction of aggregate resource depletion by such means as recycling is encouraged, however, this should not be conducted in areas which can cause any contamination of the groundwater/aquifer, neither in the interim, nor in the future.

Using the same Section and Clause numbering as the Comprehensive Rehabilitation Strategy (CRS) for the proposed Extension of Pit 3 for Port Colborne Quarries, and supplemented by the Planning Justification Report (PJR), the following comments and objections are raised:

2 Policy Framework for Comprehensive Rehabilitation

- There is an inconsistency in the annual quantity (tonnage) of aggregate to be removed. The video power point on the Port Colborne Quarries (PCQ) website indicates an amount of 1.815M tonnes, and the Planning Justification Report, page 16, identifies the quantity as 1.8815M tonnes. Which is correct?
- In the Site Plan Notes, Page 2, Tonnage, the area designated for extraction is 64.9 ha. In the Planning Justification Report, Page 1, Summary, the area for extraction is 71.1 ha. Which document is correct?
- In several reports, the discussion of final rehabilitation suggests berms will be removed as part of final relinquishing of the license. However, in the Planning Justification Report Page 76, “7. All existing on-site / external perimeter berms shall remain in place for the Port Colborne Quarries Inc.: Pit 1, Pit 2 and Pit 3 lands.” The timing of the removal of each of the berms of each pit should be clearly identified by calendar dates and not to phasing or “progressive” rehabilitation, as the berm material is required for the rehabilitation of the embankments.

3 Existing Extraction Sites

3.1 Pit 1

- Pit 1 quarrying was commenced approximately 1954-1955, as identified in the Planning Justification Report. This relates to the overview of Section 3 on page 2 of the Comprehensive Rehabilitation Strategy where it is stated extraction has extended over the past +65 years.
- Describing the 5.27 ha southwest corner of Pit 1 on Page 4 the PJR states “These lands are undisturbed and are occupied by a grove of trees.” It is obvious from this statement that no site confirmation was conducted. The lands designated as Light Industrial (formerly Highway Commercial) were cleared of trees inflicted by emerald ash borer in 2017, and then subsequently completely decimated of all remaining trees in 2018. A photograph taken April, 2021 is included in APPENDIX 1.
- Photos of the current state of rehabilitation of Pit 1 are provided in APPENDIX 1.
- In addition to the many concerns expressed at the Public Information Centre (PIC) of April 14, 1981, were concerns about progressive and final rehabilitation. The minutes of this meeting are attached as APPENDIX 4, to verify the previous statement.
- Commitments in the 1982 Site Plan Agreement (SPA) for Pit 2 included that Pit 1 and Pit 2 would be entirely fenced in 1982, and berms treed, and that has not occurred to 2021. The SPA reflects the concerns of the participants in the 1981 PIC.
- The subsequent details of potential future use of Pit 1 should not even be included in an application for a license for Pit 3 extension. Pit 1 is not licensed, and PCQ is not applying for a license for Pit 1. MNRF have in the past indicated the current license has NO jurisdiction over Pit 1, and in 1994 they struck reference to the Site Plan Agreement between the City and PCQ in an update of license 4444 for Pit 2, on the basis that MNRF could not enforce a third party agreement.
- Suggesting Pit 1 be filled with excess soil under an ARA application for a different site does not meet the criteria of a license condition, and if Pit 1 is not licensed, it is not enforceable under the ARA. The suitability of Pit 1 for

excess soil should not be dealt with under an ARA license but under the City of Port Colborne Site Alteration Permit process.

- The potential for rezoning of Pit 1 does not recognize that the ANSI on the west wall of Pit 1 will become an accessible feature for public visiting.
- Page 2 of the Planning Justification report indicates City of Port Colborne Official Plan (OP) policies regarding rehabilitation. Of particular note is “within a reasonable time”. Pit 1 was depleted prior to enactment of the Pits and Quarries Control Act of 1971. Yet, Pit 1 is far from rehabilitated. The argument is that Pit 1 is still active as a processing site for ongoing activities. However, this does not excuse the current state, without fencing as agreed in the Site Plan Agreement of 1982, vertical faces that are a hazard, and berms that are not maintained.
- The next paragraph in the Justification Report describes that the OP requires rehabilitation “in conformity with adjoining land designations” and “surrounding existing uses”. Existing surrounding land uses were minimized in a report for the rehabilitation of Pit 1, subsequently referenced by IBI, which of note was not formally accepted by the City. The entire north property line of Pit 1 is opposite rural residential dwellings. The entire west property line is opposite Residential Development (RD) zoned property. The entire east property line is opposite property zoned both residential, and property to be rehabilitated to Passive Water Recreation. There is quoted that Pit 1 rehabilitation to mixed use industrial would be compatible to Passive Water Recreation, based on a water level of 173.0 masl, when it is predicted by the Hydrogeological Report that the water level will reach 178.0 masl, which clearly will be inter-visible between Pit 1 and Pit 2.
- It is also required that rehabilitation must restore ecosystem integrity as per the next paragraph, and that includes the restoration of the aquifer. This is not considered in the subsequent proposal for Pit 1.
- There was a commitment in 1982 that Pit 1 would be rehabilitated in conjunction with Pit 2, to compatible to Passive Water Recreation. This is acknowledged in the Planning Justification Report, Page 16: “It is acknowledged that there is some documentation that these lands were also intended to be rehabilitated to a lake”.

- In addition to the above, mixed-use industrial on imported fill, with associated differential ground movement, excludes almost all uses requiring structures, unless deep foundations are provided, and there are other lands in the vicinity much more suited for such development. Use for transfer stations and other at grade uses would definitely not be compatible with existing and future neighbouring residential uses, nor passive recreation uses with a surface water level merely 2 m below surface ground level.
- Quarries of Category 2 are equivalent to giant wells. A landowner who wishes to abandon a well, as small as it may be, must follow strict Provincial guidelines and materials to abandon said well. These same material restrictions should also be required to abandon a Category 2 quarry.
- One justification for Pit 1 rezoning was based on the current OP designation, which is based on Extractive Industrial, which should be recognized for what it is, which is an interim use, and thus a temporary designation.
- The appropriate and most time effective rehabilitation for Pit 1, and the rehabilitation expected and agreeable to the quarry neighbours, is rehabilitation to Passive Water Recreation, as is described as the final rehabilitation of Pit 3.
- During the on-line Public Information Centre on April 20, 2021, John MacLellan of Port Colborne Quarries stated that the filling of Pit 1 with excess soil was “off the table”. However, this is open to interpretation, and is not in writing. This would require that PCQ formally withdraw their request for a SAP from the City of Port Colborne.

3.2 Pit 2

Rationale for licencing of Pit 2 in 1982

- For clarity, the license under the Pits and Quarries Control Act, 1971, (PCQA), Pit 2 was licensed in 1974. In numerous public comments in 2018, PCQ has stated that the quarry preceded the ownership of area residents. In my case, my wife and I purchased our property at 770 Highway #3 (Part Lot 22, Concession 2, Humberstone) in March 1974, before the first PCQA

license for Pit 2. It is also significantly before the 1982 license for Pit 2 expansion and Pit 3, which is partly on property previously owned by us.

- Residents that moved adjacent to the quarry after the granting of the license knew the rehabilitation agreements and expected the rehabilitation in accordance with the timelines in the reports cited above and following.
- The current license for Pit 2, license 4444, was issued in 1982. In the license it is referred to as the West Pit.
- For reference, the property for Pit 2 expansion under ARA license 4444 extending the licensed area under the 1974 PQCA, was purchased by PCQ after 1975, and some additional property acquired in an exchange of property with my wife and I in 1980.
- The expectation was that Pit 2 would be depleted in 2 - 3 years.
- The expectation was that Pit 2 would be progressively rehabilitated and long-term disruption was estimated by PCQ to be 2 - 3 years, as described in Region of Niagara Planning Report DPD 1489, Page 5, dated November 4, 1981, "... that extraction in the proposed expansion area is likely only to last for some 2 years the likelihood of this potential land use conflict is considered minimal." A copy of the above report is appended as APPENDIX 2.
- The expectation was that the time frame for rehabilitation of Pit 2 as described in City of Port Colborne Planning Department Report 82 – 14 dated May 12, 1982 and amended by Planning Committee dated May 19, 1982, would be within 6 months "after completion of extraction of aggregate". A copy of the letter sent by the City of Port Colborne to the MNR on May 21, 1982, item 11, expressed this condition, and a copy of the letter is included as APPENDIX 6.
- It should be noted that in the mid 1980's PCQ was experimenting with different explosives and in addition to on-site fly-rock, there was at least one that went very much astray. The fly-rock extended a distance of at least 100m off site and hit our adjacent house.
- The prevailing winds are from southwest, and when they shift to north or northeast, there is frequent dust carried to adjacent houses.
- "Because progressive rehabilitation is a key component of the Aggregate Resources Act and a policy requirement of the PPS, to date, PCQ has

created side slopes around the perimeter of the proposed lake and initiated an extensive replanting program above what will be the final shoreline.”

This quote is on Page 8 of the PJR, and the description is far from accurate. APPENDIX 3, attached, contains photos showing the current – April, 2021 condition of rehabilitation, and it can safely be said this pit is not ready to have the pumps turned off to allow the pit to fill with water.

- A subsequent suggestion that Babion Road can be removed to connect Pit 2 and Pit 3 would further extend the timeline for final rehabilitation of Pit 2. The intent of the ARA is that roads could potentially be reduced to above the water levels and restored, or “tunnels” constructed to access between adjacent pits during extraction. The roads are intended to be restored.
- PCQ has already acquired Carl Road, which would be the adjacent easterly parallel access between Second Concession and Highway #3. The immediately adjacent parallel road to the west is Snider Road, and it is an unmaintained clay road and can only be accessed by all-terrain vehicles. The distance from Highway #140 and Miller Road is approximately 3.5 kilometers.
- Pit 2 was projected to be depleted +35 years ago, when it was licensed partially on the basis of a short term conflict with adjacent properties. The objective of the progressive rehabilitation of Pit 2 should include immediate completion of the sloped embankments, for imminent discontinuation of dewatering.
- The final rehabilitation should include immediate movement of the processing plant to Pit 3 and turning the pumps off in Pit 2.
- The impact of allowing Pit 2 to fill with water immediately will be that additional dewatering of Pit 3 will extend the cone of influence to the east, and it will be offset by restoration of the aquifer Top Water Level west of Pit 3.
- During the discussion at the PIC on April 20, 2021 it was suggested that the pumped discharge from Pit 3 be directed to Pit 2. The presenter indicated that this would need approval from MNRF. The rationale of this suggestion is that in addition to the rainfall, there is significant infiltration from the quarry faces. This rate of infiltration is estimated in the Hydrogeological Assessment at 72 litres/minute, and a conservative allowance of 10x this

amount. The lower estimate is 4320 litres/hr, or 103 m³/day, which extends to 37,800 m³/year. That will cover 3.78 ha to a 1 metre depth at the minimum rate, and up to 37.8 ha to 1m depth at the conservative rate. The higher estimate amounts to ½m depth over the entire Pit 2 site.

- As quarrying progresses, the amount of rainfall runoff from the site also increases from normal rainfall runoff (Q=AIR). The runoff factor for flat vegetated agricultural land is approximately 0.2 (20%), and for a limestone floor quarry is nearly 1.0 (100%), an increase of 5x. This difference significantly increases the flow in the Wignell drain. That amount can be directed to Pit 2 without changing pre-quarrying flow in the drain, and drastically reduce the time required to restore the aquifer in Pit 2. It will also allow for sediment settling to reduce the sediment load in the Wignell Drain and drain outlet into Lorraine Bay.
- The discussion during the redirection of the dewatering of Pit 3 in the above bullet also included a discussion on creation of a lake in Pit 2 while activity continued in Pit 3. Cost was mentioned as the controlling factor, as Babion Road would be classified as a dam. Structurally the undisturbed rock is > 50m wide (20m ROW and 15m setbacks each side + sloping) to retain a 12m high water level. The faces of Pit 2 can be sealed with geomembranes installed as the embankments are rehabilitated. Vibration/seismic resistance can be created without disturbance of the in-situ rock. These are only a few of the many methods available to PCQ at reasonable cost.
- It appears that with the proponent is proposing is a relinquishing of obligations for Pit 2 rehabilitation
- The PJR suggests a possibility of future consideration of removal of Babion Road to create a single lake to include Pit 2 and Pit 3. From a recent Tribunal decision on a PTTW application: *“The MECP’s SEV states that the MECP must consider “the cumulative effects on the environment, the interdependence of air, land, water and living organisms, and the relationships among the environment, the economy and society”.* Cumulative effects are defined in the Canadian Environmental Assessment Agency, *Cumulative Effects Assessment Practitioners Guide (1999)*, at 2.1, as the *“changes to the environment that are caused by an action in*

combination with other past, present and future human actions". The assessment of cumulative effects is intended to examine the effects of multiple human activities on the environment. It is to ensure that assessments of environmental harm do not focus solely on the impacts of one project without considering the impacts of other human activities interacting and affecting the environment. This requires an assessment of all sources of harm in an area and consideration of the interdependence of air, land, water and living organisms." To consider only Traffic as the decision basis for this proposal does not meet these requirements.

3.3 Pit 3

Past proposal and license requirements for rehabilitation of Pit 3

- Pit 3 was licensed with the extension of Pit 2 in 1982 under ARA license 4444.
- Progressive rehabilitation as described in the site plans includes Phased rehabilitation of Pit 2 was to occur as extraction progressed in Pit 3. Photos appended verify this has not been completed.

Present Application for Pit 3 Expansion

- The timelines in the current application for extension are vague at best. The Phasing does not break down the rehabilitation timelines much more than to a range in decades.
- Phase 1A encompasses more than 70% of the expansion site and relates the progressive rehabilitation to all of Phase 1. Phase 1A is sub-divided into 1a, 1b, 1c, and 1d. These sub phases are not included in the progressive rehabilitation plan schedule. During the PIC of April 20, 2021, the presenter was not able to provide the areas of the various phases and sub-phases. It was suggested this was simply to identify direction of extraction. However, the Operational plans refer to the phasing in the rehabilitation schedule.
- Based on the area of Phase 1A as it compares to the entire expansion area and a total projected life of the expansion of up to 35 years, the operation plan and progressive rehabilitation plan tied to Phase 1A is approximately 20 – 30 years.

- The Phasing of the extraction, and the progressive rehabilitation, should coincide with the operation plan, which suggests stripping of overburden would be in 2 – 3 year increments, and the rehabilitation should align with that schedule, or as a minimum, a 5 year rehabilitation schedule related to calendar year rather than progress of extraction.
- The Site Plan Notes, Page 16, and Page 17 and Page 18: “Progressive Rehabilitation: As full extraction is progressively completed of portions of Phase 1A, the creation of sides slopes will begin. Side slopes will range from the steepest permitted by the ARA being 2(v) : 1(h) to a shallower slope of 4(v) : 1(h) and will be designed generally as shown on the Final Rehabilitation Plan but subject to site conditions.” The slope designation in this paragraph are incorrect, and should be 2(h) : 1(v), 4 (h) : 1 (v) etc. to be consistent with other reports and the license drawing notes. Since the natural angle of repose of saturated soils is generally about 15°, this requires a 4 (h) : 1 (v) to be stable under water. This characteristic is displayed in the backfill placed along some of the south wall of Pit 1 which was originally placed at a steep angle and is now sloughed due to an unconstrained wet condition. This suggests that the minimum slope should be 4 (h) : 1 (v).
- Blasting has been reviewed in an accompanying report, but it has been residents experience that the current conditions are not followed. There are frequent blasts during overcast weather that create excessive air concussions.
- The Hydrogeological Assessment Report extensively reviews monitoring of recently installed wells. The report does not analyze the designation of the extension area as Significant Groundwater Recharge Area (SGRA). Changing the area to a quarry removes the SGRA designation and the significant contribution of the surface water/rainfall to the aquifer. This includes the current contribution to the wells within the cone of influence of the proposed expansion.
- The hydrological and hydrogeological reports are focussed on the life of the quarry activity. There is no mention of the post-quarry impact and what is required prior to relinquishing the license. During the PIC on April 20, 2021 this was mentioned. The response was that the MNRF will require how

extensively the quarry floor will need to be cleaned prior to allowing the site to become filled with water. This same MNRF scrutiny must be applied to Pit 2, and it should be written into the license.

- The Hydrogeological Assessment Report assess the impact as if this proposal is a stand-alone quarry but does not assess the extension of the existing east-west 2200m long quarry by a proposed additional 1000m. A Cumulative Impact Assessment (CIA) of the groundwater would predict the extension of the cone of influence on the aquifer at the middle of this groundwater interceptor trench. Principle No. 4 of the MECP's Permit to Take Water Manual, dated April 2005 ("Permit Manual"), states that the MECP must consider the cumulative impacts of water takings, take into account relevant information on watershed/aquifer conditions, and may initiate a watershed scale or aquifer scale assessment beyond a local-scale impact assessment. It is suggested that applications for a Permit to Take Water (PTTW) include the CIA and that the PTTW for Pit 1 and Pit 2 be for a period of 5 years and the progress on rehabilitation of Pit 1 and Pit 2 reflect the commitment and reduction of the impact on the aquifer. This will also provide the data to verify the reduction of the cone of influence when Pit 1 and Pit 2 are no longer dewatered.
- The expansion of Pit 3 will create an even greater trough for an extremely long period of time unless progressive rehabilitation proceeds in a timely manner with directly stipulated dates. Repeating an earlier quote: *"The MECP's SEV states that the MECP must consider "the cumulative effects on the environment, the interdependence of air, land, water and living organisms, and the relationships among the environment, the economy and society". The assessment of cumulative effects is intended to examine the effects of multiple human activities on the environment. It is to ensure that assessments of environmental harm do not focus solely on the impacts of one project without considering the impacts of other human activities interacting and affecting the environment. This requires an assessment of all sources of harm in an area and consideration of the interdependence of air, land, water and living organisms."* The cumulative impact can be partially mitigated with proper and timely rehabilitation.
- The rehabilitation plan in the Planning Justification Report is contradictory in that the Planning Justification Report, and in the Site Plan Notes, Page 6,

the berms will be retained, and on Page 19 it states the berms will be removed and used for sloping the quarry walls. “Berm Removal: As much of the on-site berms as possible will be removed once quarrying is complete with the subsoil and topsoil used to rehabilitate the final quarry side slopes above the final water limit (178.0 masl). However, where planted vegetation has grown and become mature on the exterior side of the berms, those portions of the berms may be retained.” The timing of the removal of the berms needs to be clarified.

- In accordance with the ARA, asphalt recycling and recycled aggregate storage is not permitted in the groundwater table. The Planning Justification report, page 14, states: “Within the existing facility (Pit 2) and as part of the proposed facility (Pit 3), PCQ will continue to undertake the off-site recycling of aggregate related resources (i.e., asphalt, concrete). The Site Plan Notes, Page 5: “24. Recycling: Recycling of asphalt and concrete will not be permitted on this site.” The conflicting statements should clearly prohibit this activity in the groundwater table. Also of note, Pit 2 is not licensed for aggregate recycling of imported materials.
- Recycling of aggregate is no longer included in the license annual limits. However, the estimated timeline for extraction, and by extension the time for progressive and final rehabilitation, will be extended if this reduces the demand for virgin aggregate from this site.
- The measured distance from the east wall of Pit 3 to the west wall of Pit 1 is 2200 m. This is the approximate distance the internal haulage vehicles must travel for each load of aggregate hauled to the current location of the processing plant. That is a round trip distance of travel of more than 4 km. The emissions from the haulage vehicles is avoidable by reducing this haulage. This will be drastically reduced by relocating the processing facility and creating a new access, and should be conducted within the first 5 years of a new license for Pit 3 extension.
- The Site Notes, Page 3 states: “11. Scrap: No scrap will be stored on-site but will be stored either in the Port Colborne Quarries Inc. Pit 1 or within License 4444 (Pit 3).” Scrap storage should be restricted in accordance with the latest revisions to the ARA. Statement 11, above, is contrary to the ARA.
- The material from the New Humberstone Speedway should not be used for berms or quarry face rehabilitation, as it has not undergone a Record of

Site Condition (RSC) review, and is proposed to be placed within the High Vulnerable Aquifer. During the PIC on April 20, 2021 this was questioned. It was indicated by a presenter that the Region of Niagara has requested a Phase 1 RSC. It is suggested that the Phase 1 RSC was already described by another caller to the PIC, and this should extend to a Phase 2 RSC, and further if this confirms identified concerns of previous activity on this portion of the site.

- The Site Plan Notes, Page 4, 17 b) iv) suggests importing of fill for quarry face sloping. Based on the extent of overburden, identified by the borehole logs for the north portion of the Phase 1B and Phase 2 to be an average of 6m – 7m thick and greater to the north extent of Phase 2, there is adequate overburden that the risk associated with importing fill is not supportable. Stepped quarry faces can supplement the cut/fill balance to optimize the available sloping materials.
- The setback from the wetlands is proposed to be just 10m, and proposed to be extended from 1 side to 3 sides of the wetlands and woodlands. Although the subsoils are competent clay, they are still susceptible to reduced water retention. The setbacks should meet the NPCA standard of 30 m, with berming and fencing to ensure complete long-term protection of the wetlands, and there should be no quarrying on the east of the wetlands and woodlands. The groundwater level should be frequently monitored to ensure it is not impacted, and if it is changed, it should be immediately replenished. Further, the existing drainage by the east branch of the Wignell Drain should be retained.
- The proposed quarry area is in the plume of the deposition of emissions from INCO, now Vale. There is no recognition that the soil may contain nickel, arsenic, cobalt, copper, mercury and other heavy metals from past INCO operations. An extensive Community Based Risk Assessment (CBRA) was conducted over about a 10 year time frame. Reference and consideration of this is completely missing.
- The justification for quarrying of the Phase 3 area does not match the potential volumes of aggregate in the other zones. See APPENDIX 5 for calculations and commentary.

Summary

- Based on this quarry's record of rehabilitation, as shown by the appended photos, the residents have good reason to question the sincerity of the planned progressive rehabilitation.
- In complaints to the City Council regarding the state of rehabilitation of PCQ, the residents have been told there is no date stipulated, and therefore cannot be enforced.
- It is suggested that the Regional Municipality of Niagara and the City of Port Colborne only rezone the lands west of the former Carl Road, until PCQ has proven that they have carried out their commitments as agreed in the license, and that they have not impacted the local properties with noise, dust and vibration.
- Including backfilling of the unlicensed Pit 1 and the subsequent suggestion for rezoning of Pit 1, in an application for license of a remote site, does not fall under the jurisdiction of the ARA. The rehabilitation of the unlicensed Pit 1 should be dealt with by the City in accordance with the 1982 Site Plan Agreement.
- Phase 3 should be reduced to only include the south portion, retaining the Wignell Drain. This will provide some additional protection of the wetlands and woodlands and eliminate the need to alter the branch of the Wignell Drain that currently extends into the wetlands and woodlands.
- Not enforcing progressive rehabilitation and final rehabilitation leads to use of the site(s) for other uses, such as unapproved storage of materials like the storage of windmill components in Pit 2 in 2016. The MNRF should be conducting in-person verification that the license conditions are being carried out.
- There should be specific requirements for progressive rehabilitation related to calendar dates, and not exceed 5 year intervals.
- The processing facility should be moved to Pit 3 within the first 5 years of a new license for Pit 3 extension.
- The access to Highway #3 should be created within the first 5 years of a new license for Pit 3 extension.

- After +50 years of depletion of Pit 1, and after +20 years of depletion of Pit 2, final rehabilitation of Pit 2 should be completed within the first 5 years of a new license for Pit 3 extension.

Respectfully Submitted,

Jack S Hellinga

Appendix 1 – Photographs of Quarry Faces of Pit 1

Photographs taken April, 2021



Middle of East Wall of Pit 1



Southwest end of South wall of Pit 1



Light Industrial (formerly High Commercial) Lot at Southwest corner of Pit 1

#3

DPD 1489
November 4, 1981
RE-am.10
QU

Report to: Mr. Bell, Chairman and Members of the
Planning and Development Committee

Mr. Campbell, Chairman and Members of
Regional Council

Councillors:

Proposed Regional Policy Plan Amendment No. 10
Expansion of Port Colborne Quarries
City of Port Colborne

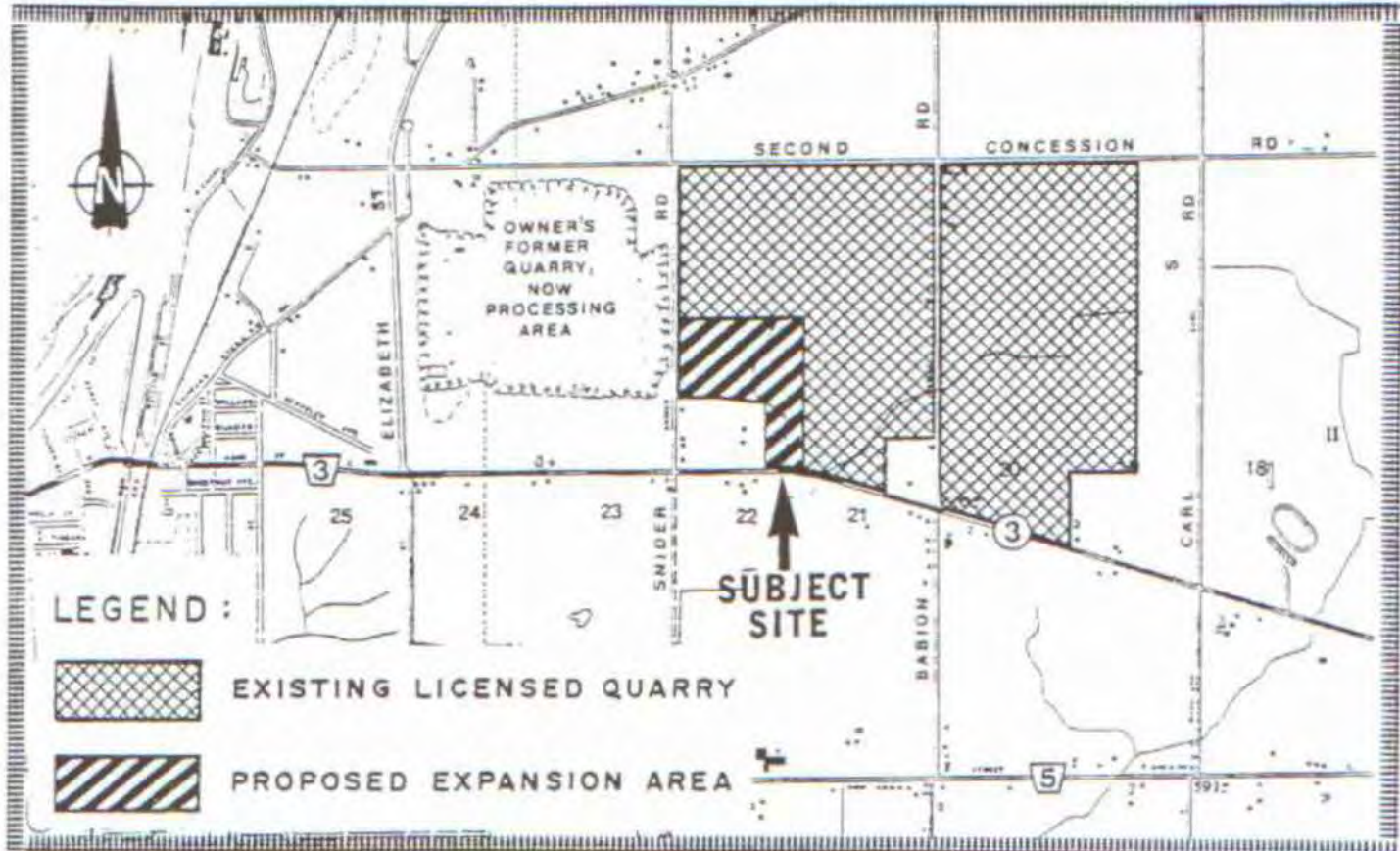
On January 26, 1981, an application was received from Port Colborne Quarries Ltd. to amend the Regional Niagara Policy Plan to permit a 32 acres (12.8 ha) expansion to their quarry located north of Highway 3 and east of Snider Road in the City of Port Colborne (see location map).

An amendment to the City of Port Colborne Official Plan covering a part of the expansion area is also required. In addition to amendments to the local and Regional Official Plans, Port Colborne Quarries is also required to obtain a license to quarry from the Minister of Natural Resources under the authority of The Pits and Quarries Control Act, 1971.

Background Information

In 1974, a license to quarry was issued to Port Colborne Quarries Ltd. covering some 320 acres (128 ha). Under the provisions of this license the quarry was permitted to extract 2 million tons of aggregate a year. At the present time most of the licensed area located west of Babion Road has been quarried. However, some 170 acres (68 ha) of the area licensed in 1974 and located east of Babion Road is yet to be quarried. Over the past two years the City of Port Colborne and Port Colborne Quarries have been attempting to resolve through a site plan agreement a series of issues related to the past, present and future operation of the quarry.

PROPOSED POLICY PLAN AMENDMENT No 10
PORT COLBORNE QUARRIES LTD / QUARRY EXPANSION
CITY OF PORT COLBORNE



LOCATION MAP
1 : 24 000

Brief History of the Amendment Application

- January 26, 1981, application received from Port Colborne Quarries to amend the Regional Policy Plan.
- January 28, 1981, Report DPD 1412 was approved by the Regional Planning and Development Committee authorizing staff to proceed with the proposed amendment.

- March 9, 1981, submission by applicant of a site plan for the quarry expansion and some additional detailed information.
- March 25, 1981, preparation of a technical background information report and distribution to various agencies for their preliminary technical comments.
- April 14, 1981, a joint public meeting was held with the City of Port Colborne to consider and receive comments from the public. At this meeting a number of concerns of the public was raised including:
 - rehabilitation of the existing licensed area.
 - the impact of noise, vibration, and dust from both the existing quarry and the proposed expansion area.
 - the effect of the expansion on well water supplies.
 - the impact of water discharge from the quarry into roadside ditches and Wignell Drain.
 - the height of berms and stockpiles of overburden material around the site.
- May 20, 1981, the City of Port Colborne agreed that they would not consider an amendment to their Official Plan until the concerns of the residents had been properly dealt with by Port Colborne Quarries.
- May 27, 1981, Memo 782 which outlined the status of the application to that date was received by the Regional Planning and Development Committee.
- August and September 1981, several meetings with Port Colborne Quarries, the City of Port Colborne, Regional Planning Staff, the Ministry of Natural Resources, the Niagara Peninsula Conservation Authority and the Ministry of the Environment.
- October 14, 1981, the City of Port Colborne agreed to enter into a special site plan agreement with Port Colborne Quarries and agreed to support a local Official Plan amendment to permit the quarry expansion.

Comments

Policy 7.E.5 in the Regional Policy Plan sets out a series of criteria against which all applications for new quarries or expansions to existing quarries are considered. These criteria include:

- a) demonstrated need;
- b) compatibility with surrounding land uses;
- c) the impact on the natural environment including surface watercourses and groundwater;
- d) the proposed manner of operation, site plan and rehabilitation;
- e) the proposed haulage roads and the possible effect on the roads concerned on adjacent development.

a) Demonstrated Need

Since 1974, Port Colborne Quarries had produced an average of approximately 1.2 million tons of stone annually. At present, the quarry has approximately an 18 year supply of material in the licensed area east of Babion Road. The licensed area west of Babion Road is virtually depleted.

It is assumed that the reason for wishing to expand the quarry onto this 32 acre parcel is to provide an interim supply of aggregate material pending the bringing into production of the larger existing licensed area. This expansion area is contiguous to the site already being quarried and represents a logical step for the quarry to take from an operational viewpoint and also from the point of view of taking full advantage of a conveniently exploitable resource.

It cannot be argued that this expansion is needed to meet any local or Regional need. Some 85% of the aggregate material is exported to the United States. However, 15% to 20% of the material does serve the local market. There are a number of other nearby quarries including R.E. Law Crushed Stone in Wainfleet and Ridgemount Quarries in Fort Erie which produce a range of material similar to Port Colborne Quarries.

It is probably inappropriate to attach too much importance to the criterion of need in the case of this particular relatively minor expansion to Port Colborne Quarries. This proposed quarry expansion will only add some 2 years to the existing 18 year supply already licensed. Perhaps more importantly, the issue of demonstrated need should properly only become of critical importance if there is a strong reason to suspect that approval will have a serious impact on the surrounding residents or the natural environment.

b) Compatibility with Surrounding Land Uses

The area in the immediate vicinity of the proposed expansion area is presently rural in character. However, the Regional Policy Plan shows the area to the south and west of the quarry as being within the urban areas boundaries for the City of Port Colborne. The Official Plan for the City of Port Colborne, designates the area to the south and west of the proposed expansion area as urban residential. This land use should not normally be considered compatible with an operating quarry particularly if provisions are not made to ensure protection against noise, vibration, dust and fly rock originating from the quarry. Given the fact that development in this area is not anticipated in the near future and that extraction in the proposed expansion area is likely only to last for some 2 years the likelihood of this potential land use conflict is considered minimal.

At present, there are 5 existing residential dwellings located north of Highway 3 to the south and west of the site and 2 dwellings south of the site and south of Highway 3. The distance separation between the edge of the quarry face and the nearest residential dwelling will be approximately 300 feet.

Of particular concern in assessing land use compatibility are the factors of noise, vibration, dust and flyrock.

Port Colborne Quarries through their consultant Philip R. Berger and Associates Ltd. prepared a noise and vibration study. This study has been submitted to the Noise Pollution Control Section of the Ministry of the Environment in order to determine

what measures will be required to ensure that the operation of the quarry meets current noise and vibration standards of the Province. To date, the Noise Pollution Control Section has not formally responded to this report. However, the Quarry has agreed to the following measures:

- i) setbacks from Highway 3 and the nearest residential dwelling which exceed the minimum distance setback standards set out in The Pits and Quarries Control Act 1971.
- ii) the imposition of blasting limits of 40 holes a day.
- iii) the use of sequential blasting techniques.
- iv) the construction of a temporary 18 foot earth berm along the southern and western boundary of the quarry expansion area.
- v) the acquisition and use of noise monitoring equipment to measure noise and vibration from the blasting operations to ensure that Ministry noise standards are adhered to.

It should be noted that the above measures taken by Port Colborne Quarry while helpful in trying to meet Ministry of the Environment noise standards will not necessarily eliminate future complaints regarding noise and vibration from the surrounding residents. Quarries by the nature of their operation are almost assured of creating some nuisance. However, the precautions taken by the quarry should reduce the potential nuisance. However, a final judgement on the impact of noise and vibration will have to await the final comments of the Ministry of the Environment.

The issue of flyrock has not been mentioned in the past as a problem or of particular concern by any of the commenting agencies, the general public or by the City of Port Colborne.

The problem of dust has been mentioned as a serious and long standing concern by residents in the area and by the Ministry of the Environment. The complaints regarding dust have been associated not with the quarry itself but with truck traffic moving from the quarry along Second Concession Road. Port Colborne Quarries have agreed to make a financial contribution to the City of Port Colborne to enable the resurfacing of Second Concession Road and to construct ditches on either side of the Road. It is expected that these measures will assist in a more effective cleaning of the road surface and help to reduce the potential problem. The quarry has agreed as well to continue to carry out periodic cleanings of the road surface. The Quarry presently makes use of a "sonic dust suppression" unit to control dust in their processing operation.

c) Impact on the Natural Environment

i) Ground Water

The Ministry of the Environment has carried out a preliminary study of the impact of the quarry on well water supplies in the vicinity of Port Colborne Quarries. A total of some 200 wells were tested. As a result, a zone of interference was identified within which water supplies would be affected. Only 2 wells were identified as being adversely affected by the quarry's dewatering operation. The Ministry of the Environment has noted that the quarry expansion will likely result in an increase in the zone of well water interference. Port Colborne Quarries has been operating under the provisions of a "Permit to Take Water" under The Ontario Water Resources Act. According to the legislation, the quarry operator is responsible for rectifying any private well water problem attributable to the quarry operation. Port Colborne Quarries is presently negotiating with the two individuals involved to solve their water problems in a manner acceptable to the property owners and to the Ministry of the Environment.

Port Colborne Quarries has also agreed to carry out a more detailed hydrological study in the area prior to any expansion. This Study is intended to assist the Ministry of the Environment to monitor any adverse impact on well water supply resulting from the longer range operations of the Quarry.

ii) Wignell Drain

The Niagara Peninsula Conservation Authority in their preliminary technical comments expressed concern regarding the potential impact of the proposed quarry expansion on Wignell Drain. Wignell Drain is used as a discharge source for ground water and surface water accumulation in Port Colborne Quarries. The concerns of the Niagara Peninsula Conservation Authority relate to the problem of periodic flooding and the quality of water in the drainage channel. A Study carried out by Gartner Lee and Associates for Port Colborne Quarries investigated the impact of the quarry water discharge on Wignell Drain. This Study has been submitted to the N.P.C.A. for their comments. However, to date no response has been received by the Region.

Port Colborne Quarries has agreed to limit water discharge into Wignell drain during periods of high surface water runoff and to construct a retention pond in the quarry to permit both the storage of any accumulated water and to enable the settling out of any silt prior to being discharged into Wignell Drain. They have also agreed to contribute to an independent drainage study of Wignell Drain.

d) Operation Site Plan and Rehabilitation

According to the site plan for the proposed expansion, the extraction sequence will be from east to west and will be completed in approximately 2 years. Aggregate material will be transported by truck to the crushing facilities located in the original pit west of Snider Road.

It is proposed to construct a temporary 18 foot earth berm along the brim of the southern and western edge of the quarry face. A five foot high steel fence is to be constructed around the property. Landscaping will include a continuous 9 foot high grassed and treed earth berm. Upon completion of the aggregate extraction the slopes of the quarry face are to be sloped at a 2:1 gradient. The eventual end use of the quarry is for water related recreation purposes but will not occur for some 20 years or until the supply of material to the east of Babion Road has been extracted.

e) The Possible Effect on Roads

In the past, truck traffic from the quarry has exited onto Highway 140 with the bulk of aggregate material apparently transported directly to the Canal loading dock area. This pattern of truck movement is expected to continue with a continued crossing at Snider Road. No Regional Roads appear to be associated with the transportation of material from the site.

As mentioned earlier there has been a long history of complaints regarding dust from residents living adjacent to Second Concession Road. However, it is expected that the agreement reached between the quarry and the City regarding road maintenance and reconstruction to Second Concession Road should alleviate or at least significantly reduce the problem of dust for the residents.

Conclusion

The proposed expansion to Port Colborne Quarries represents a relatively minor extension to its existing licensed area. In the past the impact of the quarry has been a source of concern and complaints by the City of Port Colborne and nearby residents. This is perhaps not surprising given the size and nature of the quarry and its proximity to existing residential development in the vicinity. The lengthy negotiations regarding this proposal to expand the quarry were primarily directed to rectifying the past and possible future concerns associated with the entire quarry operation.

It should be noted that the Region will have an opportunity to provide additional detailed comments to the Minister of natural Resources regarding this proposal as part of the license to quarry application under The Pits and Quarries Control Act. Any additional detailed comments and concerns from the Ministry of the Environment and the Niagara Peninsula Conservation Authority can be incorporated at that time.

Recommendations

1. That Amendment No. 10 to the Regional Niagara Policy Plan to permit the expansion of Port Colborne Quarries be approved.

Recommendations cont'd

2. That a by-law adopting Policy Plan Amendment No. 10 be prepared and forwarded together with the necessary support information to the Minister of Municipal Affairs and Housing for approval.

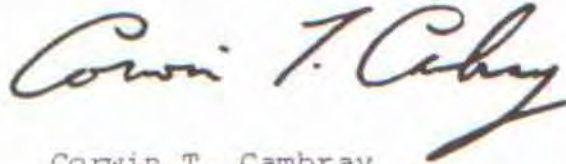
Prepared by,



Drew Semple
Planner

/svb

Respectfully submitted,



Corwin T. Cambray
Manager
Policy Planning

APPENDIX 3

Photographs of Pit 2 Quarry Faces

Photographs taken April, 2021



South End of West Face Overview of Pit 2

Note the stored material, and equipment, on the floor of Pit 2



South Face of Pit 2



West Face of Pit 2

MINUTES

Re: Public Information Meeting, Port Colborne Quarries Limited
April 14th, 1981, 7:00 P.M.
Council Chambers, City Hall, Port Colborne

Purpose: To receive comments from the public on the proposed expansion of Port Colborne Quarries to include an approximate 32.0 acre parcel. Such expansion necessitates modification to the Port Colborne Official Plan and amendment to the Regional Policy Plan.

Attendance: Council Members: Aldermen Hallborg and Murray
Regional Staff: D. Semple, Planner
C. Cambray, Planner
Municipal Staff: G. Barker, City Planner
N. Ord, Planning Technician
Representatives for the Applicant: D. Balazs
R. T. Haggerty, D. R. Tolmie
31 interested persons - see list attached.

With Alderman Hallborg acting as Chairman, the meeting commenced at 7:15 P.M. Referring to the newspaper notice for the Public Information Meeting, the Chairman described the intent of the meeting and outlined the format for questions and comments from those in attendance.

Mr. Barker was invited to describe in further detail the intent of the meeting and commenced by referring to the reasons for Regional Policy Plan Amendment and Port Colborne Official Plan modification. Since the Regional Policy Plan notes areas to be quarried and names the location of new quarrying applications, the subject approximate 32.0 acres parcel requires Regional Policy Plan acknowledgement. With regard to the Port Colborne Official Plan, modification to acknowledge the westerly section of the subject property as Industrial Extractive is required before quarrying activity can be carried on.

Mr. Barker briefly related the history of the Pits and Quarries Act noting its commencement in 1971 as a means of administering new quarrying operations. Mr. Barker also noted the existing licensed area of Port Colborne Quarries to include 320.0 acres of land east of Babion Road, east of Snider Road and west of Babion Road. The Municipality and Port Colborne Quarries have carried on negotiations since the license^{resource} in 1972 for a site plan agreement naming, among others, the following conditions of development:

1. 100 ft. setback from Snider Road with berming, grading and planting agreeable to the residents of the area, Port Colborne Quarries and the Municipality.
2. 300 ft. setback from Highway No. 3.
3. Contained within the setbacks, the Quarries must indicate a rehabilitation program of grading and berming involving a 9 foot high berm, tree planting and sloping of the depleted quarry area in preparation for future man-made recreational use.

Comments invited from Regional Planning Department Representatives commenced with Mr. Cambray describing the intent of the meeting and the approval process from a Regional perspective. Mr. Semple followed with the distribution of a fact sheet which described the Regional Role in detail and specified the criteria for evaluating the expansion of or creation of quarrying operations. Mr. Semple also described in detail the future approval process.

The comments invited from Port Colborne Quarries Limited representative

Mr. Balazs were summarized in letter form and noted that existing quarrying capacities would be exhausted by July, 1981 and without increased lands to quarry, employee lay-offs would result. The proposed approximate 32.0 acre expansion area would provide stone for quarrying to 1982. Mr. Balazs stressed the site plan agreement to be signed with the Municipality would require certain setbacks, and landscaping to ensure compatibility with surrounding land uses.

The following comments and questions were invited from those in attendance:

Question:

Mr. J. Hellings, 770 Highway No. 3.
Wished clarification on the timing for rehabilitation of the exhausted quarry areas; whether rehabilitation would take place upon total depletion of quarry lands therefore resulting in an area adjacent to existing homes without rehabilitation for a number of years.

Answer:

Messrs. Balazs and Haggerty both responded with the assurance that the rehabilitation by berming and grassing of the 32 acre parcel would take place prior to stone extraction. Full-rehabilitation to a water-filled recreation area with sloped banks would result upon completion of the quarry.

Mr. Barker summarized and repeated that recreational use of the quarry would occur upon quarry relocation or completion.

Question:

Mr. W. Huffman, Lorraine Rd. & Hwy. 3
Mr. Huffman made the Chairman aware of his past written objection to the Ministry of Natural Resources to the issuance of quarrying license to Port Colborne Quarries and that his residence is located 2000 feet from the quarry. Concerns regarding dust problems on Ramey Road; overcharge blasting; illegal stop signs on Snider Road; what is being dumped in the empty quarry; the height of berming along Babion Road; the need to hire legal help to protect damage to property and potential water loss were cited.

Answer:

Mr. Haggerty responded by noting that the area in question is further from his home than past quarried areas; the stop signs were placed at Snider Road for safety reasons and an agreement has been reached with the residents on Babion Road to lower the berm.

Alderman Murray stressed that past resident problems, including the berming along Babion Rd., have not been resolved quickly enough and have resulted in negative public relations. Mr. Barker clarified by noting that the original 27-30 ft. high berm on Babion Road was reduced to about 13.5 ft. Since City survey crews were not on hand at the time of reduction to measure the resultant height, the agreed upon height of 10-12 ft. in height was not created. Mr. Barker further noted that an 18 ft. berm is the requirement for the screening of quarrying operations in Wainfleet. In summary, Port Colborne Quarries rep's. assured the Chairman that the berm would be further reduced pending the return of weather conditions suitable for the earth-moving machinery to mount the berm.

Question:

Mr. Hellings.
Requested clarification of the designation of his lands west of the Port Colborne Quarries property on the North Side of Highway No. 3.

Answer:

Mr. Barker referred to the Official Plan land use clause which

notes that the boundaries between land uses are general and that adjustments can be made provided the general intent and purpose of the Official Plan is maintained. In summary, Mr. Barker was satisfied that the inclusion of Mr. Hellinga's property within the Urban Residential designation of the Official Plan would meet the general intent and purpose of the Official Plan and an Official Plan amendment was not required. Mr. Semple further clarified that it was not the Region's responsibility to comment on such detailed designations.

Questions:

Alderman Hallborg. Followed up the Region's comments and noted concern with the proposed expansion and its:

- (1) impact on the natural environment (referring to dust problems on second concession road and the unsigned status of the site plan agreement;
- (2) impact on ground water (referring to a report that two wells on Chippawa Rd. have gone dry - Messrs. Codie & McAllister).

Answer:

Mr. Barker noted that two items are outstanding in the site plan agreement involving the paving of the shoulders of Second Concession Road, the reconstruction of Second Concession Road and the use of a flusher truck to keep dust down. With reference to the ground water problem, Mr. Haggerty referred to comments of former Minister of Environment, Dr. Parrott, noting that the lack of legal rights to water. Further, Mr. Haggerty stated that the Quarries has installed cisterns for wells which have been dried by its activities.

Mr. Barker noted that conditions of license issued for dewatering by the Ministry of Natural Resources require the provision of potable water. The mandate for complaint and enforcement therefore rests with the Ministry.

Question:

Mr. G. Horpenuck, 1051 Lorraine Rd.

Mr. Horpenuck noted complaints relating to a cistern which was cracked by quarry activity have been outstanding for four years.

Mr. Balazs stated that the Quarries was aware of the complaint and felt that the cistern was not originally constructed for such purpose; had been converted to a cistern; was now experiencing leaking and the owner was blaming the quarries without full investigation.

Mr. Tolmie, Solicitor, Port Colborne Quarries.

Noted that about 80% of those persons in attendance were in support of the Quarry expansion. A quick count was taken and a total of 26 persons were noted to be in favour of the proposed quarry expansion. It was pointed out by the Chairman that a large number of those in support were employees of Port Colborne Quarries Limited.

Question:

Mr. Hellinga.

Noted that he was not an employee of Port Colborne Quarries Limited and did not object to the proposed expansion but rather was concerned that greater restrictions should be placed on rehabilitating the old quarry and the unsloped quarry sides. Mr. Hellinga also enquired as to the height of the stock pile berm for the proposed expansion area.

Answer:

Mr. Haggerty noted that a shielding berm of 9 ft. in height would perimeter a stockpile berm of 18 ft. in height. Such a stockpile berm would provide sufficient earthen support for depleted quarry sides at a 2:1 ratio. Mr. Haggerty also referred to the site plan

agreement to be signed which referred to the fencing and safety of the old quarry pit.

Mr. Hallborg reiterated his concerns to be the resolution of problems relating to the loss of water to wells, blasting and the rehabilitation of existing roads.

Comment:

Mr. G. Lance, Employee of P.C. Quarries
Mr. Lance spoke on behalf of the employees of Port Colborne Quarries and noted their concern about the Quarry being relicensed and the landscaping, berming and fencing to be provided.

Question:

Mr. R. Phillips, Lorraine Rd. & Hwy. 3, Employee of P.C. Quarries.
Mr. Phillips noted that his well is 25 ft. deep and has experienced no water loss problems. Should problems occur with the quarrying of the area east of Babion Road he was concerned as to how one could be assured of compensation.

Answer:

Mr. Haggerty responded by noting the responsibility of the Ministry of the Environment and Ministry of Natural Resources in enforcing the conditions of the dewatering license but noted that such complaints could be addressed directly to the Quarries.

Upon the cessation of questions and comments, Mr. Semple summarized by stressing the preliminary nature of the application.

Meeting adjourned at 8:30 P.M.

Minutes prepared by:
Nancy Ord
Planning Technician

xc: Region of Niagara.

APPENDIX 5

Review of Phase 3 quarrying proposal

Hydrogeological Report (Golder, 2020):

Page 52 – Map of Ground levels: Phase 3, 182 – 183 masl

Page 54 – Map of Top of Williamsville Unit level: Phase 3 Middle +/- 174 masl

- North 172 – 173
- North Centre 173 – 174
- Centre South 174 – 175
- South 175 – 176

Page 56 – Map of Bottom of Falkirk Unit: Phase 3 area +/- 170 masl

Overburden thickness: 8m – 10m (182masl minus 172/174masl)

Suitable Aggregate to bottom of Falkirk Unit: 2m - 4 m average thickness (172-174masl minus 170masl)

Area of Phase 3: +/- 4 ha (40,000 m²), less setbacks and sloping of overburden

Volume of aggregate available: < 160,000 m³ (40,000m² x <4m) = < 430,000 tonnes

Total aggregate in entire expansion area: 40M – 50M tonnes

Volume available in Phase 3 = less than 1% of total on site

Expansion into the north portion of Phase 3 will cut off the Wignell Drain east branch which extends into the wetlands and woodlands.

Expansion into the north portion of Phase 3 will create a third side of drainage and create a peninsula for the wetlands and woodlands.

Expansion into the north portion of Phase 3 will restrict movement of species and wildlife.

Planting now will promote the corridor for wildlife movement to the north side of 2nd Concession Road.



CITY OF PORT COLBORNE
239 KING STREET, S.S. 2B00
POSTAL CODE L3K 4Y8

May 21, 1982

J.E. Dickinson, District Manager
Ministry of Natural Resources
Niagara District
P.O. Box 1070
Fonthill, Ontario
L0S 1E0

Dear Sir:

Re: Application for License to Quarry
Port Colborne Quarries Limited
Comments, City of Port Colborne

Further to your correspondence of April 20th, 1982 please be advised that the Planning & Development Committee of Council of the Corporation of the City of Port Colborne has recommended to Council that Planning Department Report #82-15 (a copy of which is attached hereto) be approved and its recommendations carried out.

The recommendations of said report, as amended by the Planning & Development Committee, are:

1. That the City of Port Colborne supports the approval of a license to quarry the subject 12.9 hectare expansion by Port Colborne Quarries Limited, subject to the foregoing recommendations.
2. That the Ministry of Natural Resources clarify the approval status of the City of Port Colborne's Official Plan and Restricted Area (Zoning) Bylaw relative to the land use designation and zone affixed upon the subject site.
3. That the Ministry of Natural Resources issue a license to quarry to Port Colborne Quarries Limited only after the Minister of Municipal Affairs & Housing has modified the Official Plan for the Port Colborne Planning Area.
4. That the Ministry of Natural Resources incorporate the comprehensive site plan agreement between the City of Port Colborne and Port Colborne Quarries Limited dated February 4th, 1982 as a condition of issuance of license to quarry.

5. That Port Colborne Quarries Limited be required to establish and maintain a hydro-geological monitoring study, satisfactory to the Ministry of Environment.
6. That water discharge into the Wignell Drain be limited so as not to have an adverse impact upon the Wignell Drain.
7. That the proposed drainage courses be excavated and drainage system functional, prior to removal of any overburden and extraction of aggregate to prevent flooding of neighbouring properties.
8. That a settling pond be established to allow for the settling of suspended particles thereby improving upon the water quality discharge into the Wignell Drain.
9. That Port Colborne Quarries Limited discontinue the dewatering of the site into the Babion Road roadside ditch, rather the existing branch of the Wignell Drain that transverses the south-eastern portion of the licensed area.
10. That Port Colborne Quarries Limited adhere to the recommendations of the Ministry of Environment respecting noise and ground vibration controls.
11. That a six (6) month time period be imposed, after the completion of extraction of aggregate has occurred, for the rehabilitation of the subject site.
12. That Port Colborne Quarries Limited maintain the water elevation of the settling pond at a maximum of 555 feet.
13. That staff be instructed to advise the Ministry of Natural Resources of the recommendations of the Planning & Development Committee prior to May 21st, 1982.
14. That staff be instructed to meet with the Ministry of Natural Resources to assist in the preparation of Ministerial conditions of license to quarry.
15. That the Ministry of Natural Resources, Port Colborne Quarries Limited, Ministry of Environment, Niagara Peninsula Conservation Authority and Regional Niagara be advised accordingly.
16. That Port Colborne Quarries Limited supply the City with written confirmation prior to Tuesday, May 25th, 1982 that the \$10,000 payment for the reconstruction of Second Concession Road be deposited with the Municipality once appropriate approvals from the Ministry of Municipal Affairs & Housing and the Ministry of Natural Resources have been obtained to facilitate the Quarries expansionary program.

Should you require further information or clarification, please do not hesitate to contact this office.

cc: J. Fraser
A. Veal
D. Balazs
R. Minnes

Yours truly,

221

Via E-mail attachment

From:
David Henderson
2199 Babion Rd.
Port Colborne, ON L3K 5V5

May 1st 2021

To:
The Applicant
c/o Shawn Tylee
Port Colborne Quarries Inc.
222 Martindale Road, P.O. Box 1116
St. Catharines, ON L2R 7A3
STylee@RankinConstruction.ca

Ministry of Natural Resources and Forestry
Integrated Aggregate Operations Section
4th Floor South, 300 Water Street
Peterborough, Ontario K9J 3C7
ARAAggregates@ontario.ca

Objections to: Application No. 626511

Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

Planning Justification Report and Comprehensive Rehabilitation Strategy

Specific objection to the proposed removal of Babion Road between Hwy 3 and Second Concession as described in PIT 1, PIT 2, Pit 3 and Pit 3 EXTENSION Page 8 Section 3.2 Pit 2 and Page 13 Section 8

Section 8 of the IBI report shown below, entitled “Comprehensive Rehabilitation Strategy” is mis-leading and designed to draw attention away from this section.

8 Comprehensive Rehabilitation Strategy

In order to provide a modified option for the Pit 2, Pit 3 and Pit 3 Extension lands, PCQ would suggest the following.

In support of the Niagara Region ROP Policies 6.C.8 and 6.C.9, PCQ would be prepared to examine the possibility of extracting the Babion Road right of way. These lands are owned by the City of Port Colborne which is an opened right-of-way. In further support of the removal of Babion Road, changes to the ARA include stronger support for excavation within a highway right-of-way.

Prior to the removal of dewatering pumps in Pit 2, and based on planning policies at the time, PCQ could consider the removal of Babion Road subject to:

- City of Port Colborne support,
- A Traffic Impact Study to confirm the full removal of the road would not impact existing traffic patterns,
- A hydrogeological investigation to ensure the linking of the proposed western lake and proposed eastern lake could be supported based on groundwater science.

Based on the above, it is possible that a final rehabilitation design could look similar to what is in Appendix 1 on Figure 6.

OBJECTIONS:

“Policy 6.C.8 In the case of adjacent pit or quarry operations, the Region will, wherever practical, encourage the removal of all economically viable material between the pits, and encourage continuous and harmonious rehabilitation.

Policy 6.C.9 Where two extractive operations are separated by a Regional road, the feasibility of allowing the producers to **temporarily** re-route and then replace the road at a lower elevation will be considered to enable operators to remove viable material between the operations.”

1. The primary intent of this proposal is to delay the remediation of Pit 2, allowing PCQ to use the same strategy as they have in Pit 1 to absolve themselves of the responsibility to progressively rehabilitate Pit 2 in a timely manner.
2. The intent of remediation is that it be done in a timely manner and to be progressive with the extraction of material. By proposing that Babion Road be removed delays the remediation of Pit 2 until the new pit 3 extension 2050, at which time the collective memory in the community will be diminished.
3. PCQ’s track record of not meeting remediation requirements can be seen by the lack of rehabilitation in Pit 2.

4. Pit 2 should have already been remediated based on OSSGA best practice and MNRF guidelines; in fact, Pit 2 is currently not in a state of remediation and is therefore in violation of their current license.
5. In 1982 there was a Site Plan Agreement with the owners of PCQ and the City of Port Colborne, that both Pits 1 and 2 were to be flooded.

Pit 2 Rehabilitation

Below excerpt from IBI report

Because progressive rehabilitation is a key component of the Aggregate Resources Act and a policy requirement of the PPS, to date, PCQ has created side slopes around the perimeter of the proposed lake and initiated an extensive replanting program above what will be the final shoreline.

The above description is PCQ's assertion of the remediation they have done in Pit 2, page 8, Section 3.2. This is actually false. Very little has been done in Pit 2 to slope sides or do any major remediation. Please note no such rehabilitation has been done. See below 2018 Niagara Navigator view of Pit 2 with shear walls minimal sloping on the North side.



- Snider Road is a clay road at Second Concession. Carl Road has been sold and closed between Second Concession and Highway #3. Without Babion Road, the distance between the north-south accesses from Second Concession to Highway #3 will be about 3½ kilometers (from Highway #140 to Miller Road).
- The references in the Aggregate Resources Act (2019) for removal of a municipal road requires municipal support. The Region of Niagara Official Plan relates to **temporary** closure for creation of access between pits, or for removal of viable aggregate above the water table and reinstatement of the road. The interpretation in Section 8 does not conform to these intentions.
- Since Pit 2 is under license 4444, and Pit 3 extension will require a new license, this is not a connection across a single license, but an attempt to connect one license to another.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "D Henderson", with a stylized flourish at the end.

David M. Henderson

Via E-mail attachment and Canada Post

May 5, 2021



To: The Applicant
c/o Shawn Tylee
Port Colborne Quarries Inc.
222 Martindale Road,
P.O. Box 1116
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Ministry of Natural Resources
and Forestry
Integrated Aggregate Operations
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Objection to: Application No. 626511, Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

IBI GROUP FINAL Planning Justification Report Port Colborne Quarries Inc. Pit 3 Extension

It is understood that mineral aggregate is considered a strategic resource and that pits and quarries are a necessary activity and land use, and that they must be located where the resource exists. However, The Provincial Policy Statement (PPS) requires the appropriate development and protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The policies of the Provincial Policy Statement represent minimum standards and the expectation is that planning authorities and decision-makers will go beyond these minimum standards to address matters of importance, unless doing so would conflict with any policy of the Provincial Policy Statement.

The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, provide for recreational opportunities (e.g. fishing, hunting and hiking) and meet its long-term needs.

The demand for aggregates and the policies of the PPS do not override the protection of the environment, existing land use constraints, the legal rights of adjacent properties or the health and safety of the public. It is expected that the activity will be carried out in

a manner that will not create any adverse impacts to the environment, water, sensitive land uses and public. It is expected that commitments made by applicants to obtain a license will be honoured, and that the commitments will be enforced by the appropriate authority.

Using the same Section and Clause numbering as the Planning Justification Report (PJR), the following comments and objections are raised:

Water

6.1.3 Water (Pg 12)

PPS Policy 2.2 states that:

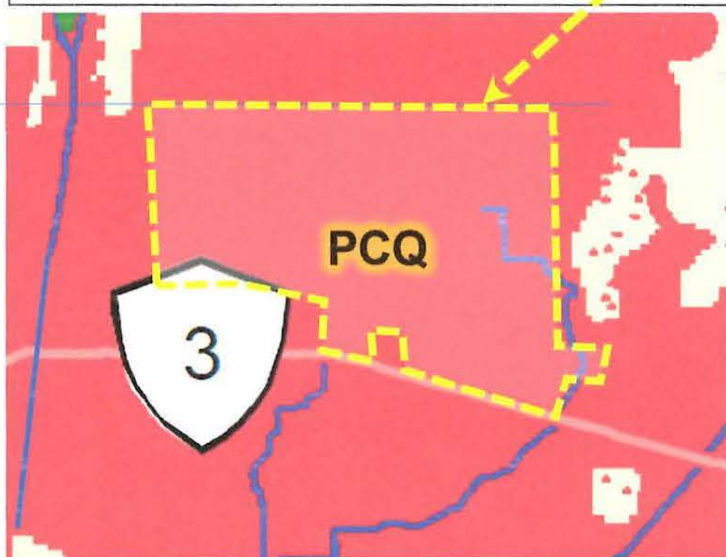
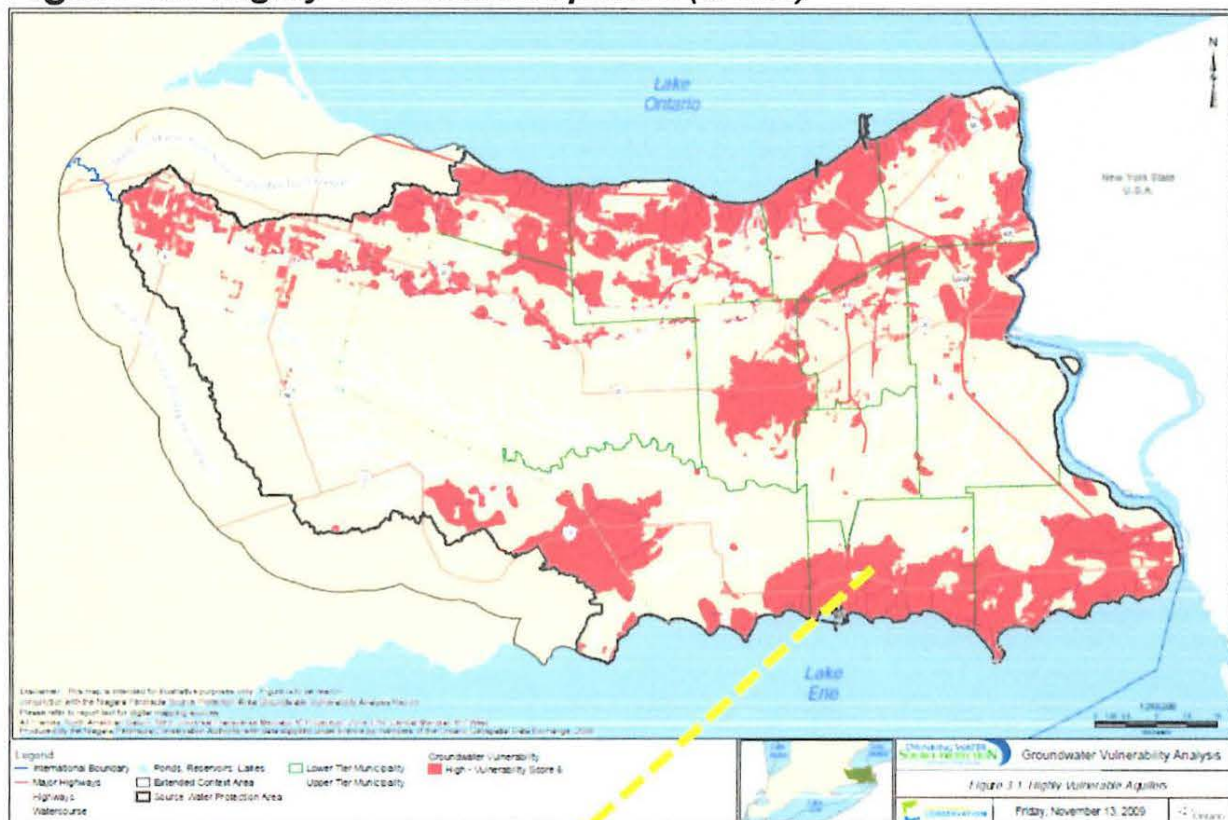
*2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be **protected, improved** or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.*

To which PCQ responded:

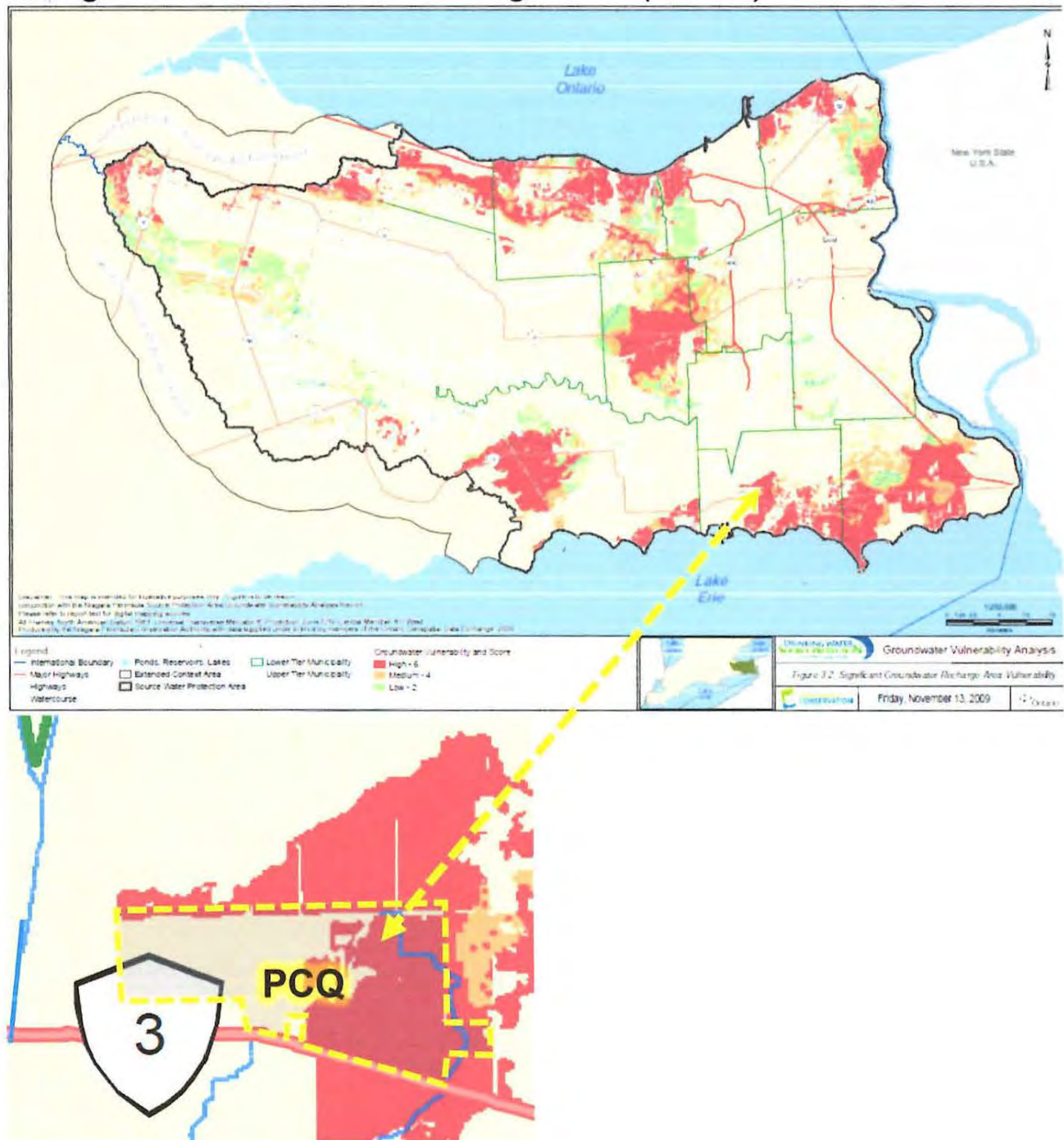
The design and development of the Pit 3 Extension includes development or site alteration in or near sensitive water features and sensitive groundwater features. However, mitigative measures including setbacks are to be used to improve and/or restore sensitive surface water features, sensitive groundwater features and their hydrologic functions as confirmed in both the Hydrological Assessment, attached hereto as Appendix I and the Natural Environment Level 1 and 2 Report (EIS), attached hereto as Appendix L. Furthermore, to confirm that the hydrologic functions are protected, improved or restored, monitoring related to surface water, groundwater and vegetation within the wetland will be carried out.

In the Hydrogeology Assessment (Appendix J) they did identify the Highly Vulnerable Aquifer (HVA) that the quarry resides in and many of the rural citizens in both Port Colborne and Fort Erie access as a source of drinking water, but they failed to address the fact that the quarry is also in a Significant Groundwater Recharge Areas (SGRA). This is of importance because the combination of a HVA and SGRA will increase the vulnerability of the aquifer to contamination. Below are Figures 3.1 and 3.2 produced by the Niagara Peninsula Source Protection Committee and in their November 30, 2009 Analysis illustrating the areas of the HVAs and SGRAs clearly showing that PCQ is well within both areas. On page 8 of their report they state "The vulnerability category for historic and licensed aggregate pits and quarries will be raised to high as there is no protection to the aquifer".

Figure 3.1 Highly Vulnerable Aquifers (HVAs)



3.2 Significant Groundwater Recharge Areas (SGRAs)



PCQ claimed that mitigative measures used to improve and/or restore sensitive groundwater features and their hydrologic functions is confirmed in both the Hydrological Assessment, and the Natural Environment Level 1 and 2 Report. On reading the assessment and report you soon come to realize that they do not

propose or suggest any mitigative measures to improve or restore sensitive groundwater features but they will be pumping the groundwater down to make the quarry floor dry and creating a cone of influence out to 1 kilometer.

The only thing they will be doing with regards to the ground water is conducting a ground water monitoring and response program that includes monitoring of the on-site wells if they have any groundwater in them monthly and conducting a water quality analysis program every five years. (Page 87 in the Hydrogeological recommendations and Page 21 in the Golder Hydrogeological Level 1/2 Water Resource Study)

Highly vulnerable aquifers are to be protected under Section 4.2 of the PPS. Section 2.2.2 clearly states that mitigative measures are required to be in place to protect, improve or restore sensitive ground water features, and their hydrologic functions. Section 4.2.1 Contaminant Management requires contaminant management plans to be in place for developments involving Highly Vulnerable Aquifers. No such plan was included in the documents provided by PCQ.

Objection

I object to granting the approval for the Pit 3 extension as proposed by PCQ on the grounds that it fails to satisfy the PPS with regards to protecting the Highly Vulnerable Aquifer. It is unreasonable to expect a water quality sampling program conducted every five years would be effective in mitigating any adverse affect on the Highly Vulnerable Aquifer. To approve this extension PCQ should be required to put in place a Contaminant Management Plan in combination with a Water Quality Monitoring Program that conforms to the MECP Ontario Drinking Water Standards.

Respectfully Submitted

[Redacted Signature]

Thursday, May 6, 2021

Reference: 626511

Ministry of Natural Resources and Forestry

Integrated Aggregate Operations

Section 4th Floor South

300 Water Street

Peterborough, Ontario K9J 3C7

Applicant:

Port Colborne Quarries

222 Martindale Road

P.O. Box 1116

St. Catharines, ON L2R 7A3

This letter is in response to the proposed expansion of Pit 3 in Port Colborne Quarries (PCQ). While I can appreciate the amount of work that has went towards completing this application for a license to expand the quarrying operations of Pit 3; there, is a lack of a recognition and effort towards the reduction of risks to the highly vulnerable aquifer that lies below this site and the neighbouring former sites of quarrying (Pit 1, 2, and currently 3).

This aquifer(s) lies within the Onondaga Escarpment that extends hundreds of miles beyond the community of Port Colborne; hence, the operations at this site could/would impact the quality of the water and very livelihood of those who depend upon it as a source of water. In addition, the ongoing attentive protection and risk reductions of activities of this exposed aquifer(s) is needed to ensure the ongoing future use of the groundwater for generations to come. This is a precious natural resource of water that requires source water protection and ongoing monitoring to ensure that any activities by PCQ and/or other human activities does not result in harm. Any harm/contamination could be irrecoverable. A comprehensive and intensive environmental assessment and impact study is needed to better understand the vast groundwater/aquifer system so that this area can sustain its ecosystem's integrity. An extensive watershed study is needed to understand this aquifer and what the impacts of human activities would have upon it and I don't mean only the activities within Port Colborne but of all of South Niagara (it is simply time for this). While I am not expecting PCQ to be responsible for the whole of this type of study; this need for a greater understanding through a study/assessment must remain at the forefront of all decisions made in order to protect such an ecologically sensitive area; and,

it is the responsibility of all government bodies, citizens, and private companies to ensure that this is done.

Right now in this proposed application for a license to expand Pit 3 for the extraction of aggregate I do not see practical considerations or timelines that would promote early prevention of the risks of harm to the groundwater aquifer on a local scale by PCQ. In addition, there is a need to ensure the protection of provincially significant areas, such as the wetland and woodlot that exists on this site for quarrying. In fact, this whole operation with the dewatering of many quarry pits even puts lake water at risk of harm in the Lorraine Bay area! There is a lack of data/knowledge regarding this aquifer both on a local scale and on a watershed scale; therefore, prevention of harm and the reduction of risks cannot be ignored. There is simply too much to lose.

I am not a scientist or an engineer so please bear with me as I write and try to express my concerns in this letter of objection. I am an interested citizen, who tries to learn and who cares deeply about our environment and the need to protect our resources for current and future generations. Aggregate production and profit making should not receive any higher recognition or value than our basic need of life sustaining water.

PCQ (aka Rankin) purchased this quarry site and has expanded the scale of operations over the years. PCQ knowingly inherited some responsibilities that were not completed by the previous owner and have not been completed by the current owner. The Ministry of Natural Resources and Forestry (MNRF) has stated they no longer have any responsibility for Pit 1 because it is unlicensed. The City of Port Colborne has neglected to enforce the rehabilitation of Pit 1 and they too bear some responsibility to ensure decisions are made and completed including the protection of the aquifer/groundwater. Why the city of Port Colborne has not done so, to date, completely baffles me.

PCQ purports that there is a need to continue utilizing Pit 1 as a place to wash and process their aggregate; hence, I have heard rationalization that it is “progressive rehabilitation” etc as to why this Pit 1 has not been allowed to become a passive lake (i.e the 1982 agreement for licensing of Pit 2 has been ignored). Allowing Pit 1 to become a passive recreational lake is most suitable to the surrounding uses (i.e. residential/urban area) and it is a safe method of rehabilitation coupled with potential benefits for the community and environment at large. Pit 1 has not been licensed for over 50 years and no rehabilitation has occurred. This current application for the expansion of Pit 3 mentions the ongoing use of Pit 1 as part of PCQs operations and this simply should not be so. PCQ has many other options of where to process their stone and this needs to be done ASAP so that Pit 1 can be rehabilitated and the exposure of over a hundred acres of the aquifer surface is no longer a concern regarding the risks of contamination. I cannot fail to mention the need to consider the ANSI area on the wall of Pit 1 that needs some protections. This neglect of responsibilities does not give me confidence that moving forward they will aspire to correct their patterns of behaviours. As such, the license application should not be utilizing the continued use of Pit 1 for the expansion of Pit 3 and it should only be mentioned in regards to PCQ moving their processing equipment out of Pit 1 within 3 (three) years. The use of Pit 1 allows trucks and earth movers to continue travelling approximately 4 km (with Pit 3 expansion) in order to process stone. PCQ is able to process the stone in the old Pit 3 area and this would avoid, dust, noise, harmful emissions, risk of contamination of groundwater, and costs of fuel/time to move such large amounts of aggregate over a great distance. Together with the City and the citizens and PCQ decisions can be made to protect the surface of the groundwater/aquifer. A condition of the licensing of the

expansion of Pit 3 should stipulate that PCQ remove their equipment from Pit 1 and that should have a specified timeline of minimally 3 years to be completed.

Pit 2 has not been in operation for over 20 years as an aggregate producing quarry. It is simply being used for a roadway to reach Pit 1 to process stone. This again, is an unnecessary ongoing risk to the exposed groundwater/aquifer. Again, well over a 100 acres of the top of the aquifer is exposed and at risk of harm (contamination). Pit 2 adds miles for dust, noise, pollution, the costs of travelling distances is occurring such as, fuel, time, wear and tear of vehicles etc. Neither the MNRF or the City of Port Colborne has taken any actions to ensure that Pit 2 is rehabilitated in a timely manner as demonstrated over the past 20 years! Rehabilitation efforts have been minimal in this area (i.e. sloping etc). Pit 2 should be rehabilitated as stated in their previous licensing requirements as a passive lake ASAP. This should be a condition of their new licence to expand Pit 3; whereas, PCQ should relocate their processing equipment for washing stone etc to Pit 3 within 3 years so that Pit 2 can naturally fill with water and become a passive lake.

Both Pit 1 and Pit 2 have permits to take water (PTTW) that have been granted over multiple decades by the Ministry of Environment, Conservation and Parks (MECP). These PTTWs all exist simply to dewater these hundreds of acres of exposed surfaces in the quarries to allow and do the processing of stone and as a roadway (Pit 2) from Pit 3 to Pit 1 and subsequently the entrance/exit of the PCQ operations. When one adds up all the current PTTWs granted to PCQ – the approximate volume of water allowed to be taken from the aquifer is a shocking 9 (nine) BILLION litres of water per year !!!! This is unnecessary if PCQ (and other governing bodies) do seek ASAP the rehabilitation of Pit 1 and 2 as passive recreational lakes and move the processing equipment and entrance/exit to highway 3. PCQ would no longer require PTTWs for Pits 1 and 2 as all work would be done in Pit 3 and the new expansion of Pit 3. There would no longer be a need to dewater Pits 1 and 2 and there would no longer be a risk of contamination to the groundwater/aquifer as both Pit 1 and 2 can be rehabilitated after properly cleaning the floors of Pit 1 and 2. The MNRF, the MECP, the city of Port Colborne, the Niagara Region and the Niagara Peninsula Conservation Authority (NPCA) all should be engaged in this effort to rehabilitate both Pits 1 and 2.

By no longer utilizing the PTTWs for Pits 1 and 2 to dewater and process stone there would be significant changes to the impact regarding the zone of influence that is mentioned in the documents. The zone of influence regarding the expansion of Pit 3 would, in my opinion, be reduced to only the area of Pit 3 and the expansion area of pit 3. Removing PTTWs from Pit 1 and 2 not only greatly lessens the draw of water from the aquifer but also lessens the flow of water to the ditches and drains (Wignell drain and its branches) that ultimately run to the lake. There would be less costs to upgrade and maintain the drain because less water would flow through it. There would be less impact upon the lake (I did not notice any study or consultation about the impact on the lake). There would be less negative impact on the quality and availability of water in wells etc. Remember that it is not only Port Colborne (local impact) that relies upon this watershed/aquifer for water; the surrounding municipalities are also impacted by the operations of PCQ and their use of PTTWs. Surrounding municipalities also carry the concerns about

the risks of contamination and have a dependence upon the groundwater/aquifer for their very livelihood coupled with the health and need to protect the whole ecosystem that lies within this aquifer area. As stated in the MECP Permit Manual (pg. 27) in regards to PTTWs "...encourages water takers to take reasonable and practical measures to conserve water and to maximize its availability for existing or potential uses to sustain ecosystem integrity."

In summary, in regards to PTTWs, a condition of this license or the expansion of Pit 3 should include a specified date for the timely removal of all PTTWs in both Pits 1 and 2 and to cease any activities in Pits 1 and 2 within 3 years of the beginning of the operations of the expansion of Pit 3. The entrance/exit for trucks etc should also be relocated to Highway 3 within 3 years too.

I didn't peruse any comments or considerations regarding the exposure of the aquifer or the lands to previous contamination by Inco/Vale. There was a large study done about this and the impact to soils. Dairy cows were removed etc.

Much of this aggregate is shipped away from our communities and is used in other places (i.e. USA); however, we in Niagara South bear the risks of contamination and nuisance of such a large operation. At least, we should have some solace in knowing that our ministries might finally ask PCQ to adhere to timelines and finally rehabilitate Pit 1 and 2 to increase protection of our precious groundwater/aquifer.

Regarding the washing of stone/processing in the future. There are concerns that the silt and other properties of this activity is not beneficial and does pose a risk of contamination to the aquifer. I suggest that to lessen the risks and lessen the use of PTTWS in Pit 3 and the Pit 3 expansion that PCQ begin to utilize a closed loop system to wash/process their aggregate. Whereas, they would have something like two lined ponds that would continuously allow re-use of this pond water for their activities and to allow the settling of sediments/silt prior to water being pumped out to the drains/lake. Doing this would reduce the draw from the aquifer, reduce the risk of contaminants entering the aquifer where due to karst formations any contaminate could quickly move through the rocks/aquifer and evade detection. In the long run, this would reduce costs. The whole concept of moving the processing/washing stone to Pit 3 would save money, reduce pollution and risks of it, but would also create gains in profits. Even independent truck drivers would benefit from less travel. Less noise and dust pollution too. Less risk of accidental leakage of truck or machinery toxic fuels/substances. PCQ and the governing ministries; plus the City of Port Colborne and the Niagara Region all need to ensure that future activities and expansion of Pit 3 does result in the wise management of natural resources and strive to bear in mind, at all times, the need for the ongoing protection and conservation of ecologically sensitive areas.

The Humberstone Speedway has operated over 50 years. The past activities at this site has resulted in the area being exposed to many toxic substances due ignorance of the past, negligence, and the use of substances that pose a risk to the aquifer. These activities have impacted not only the pit where race cars were worked on but also the track itself and the parking lots. Spills of various kinds occurred and an

example of an activity that resulted in spills would be the demolition derbies (ie. Gasoline spills, antifreeze spills, batteries leaking, transmissions leaking, oil leakage and so on). This area should be treated as a “brownfield” and thoroughly tested and assessed. My memories and of many others already tell us that this type of study should move to a phase 2. The proposal submitted on behalf of PCQ to acquire an expansion of Pit 3 mentions that PCQ would use the excess soil or overburden in the speedway area for creating berms. Using this soil for berms would be a high risk because contaminants would leak towards the aquifer and have a negative impact on the safety and quality the groundwater especially after it has been disturbed by scraping and hauling and exposed to saturation by rain/snow melt. The soil removed from the speedway needs to be treated, handled in a safe manner and maybe even removed off site. As such, the Humberstone Speedway soil and how it is used/disposed of in the future needs to be a condition of licensing and monitored.

During the presentation by PCQ on April 20, 2021 it was stated that the city of Port Colborne was seeking prior to alter the Wignell Drain so I was told that PCQ (I believe Mr. Sisco) would not alone bear the costs of these drainage works. As such, the citizens will have to pay for the drainage works that in my opinion the greatest benefit goes to PCQ. The alteration of changing the drain where it enters the wetland area is a great concern because it would result in detrimental effects to the protection, condition, and sustainability of this protected wetland and woodlot area. Also, PCQ seeks to extract a sliver of aggregate from an area (phase 3) that is next to the wetland. The benefit of this is minimal as it is not much aggregate when weighed against the risks to the wetland area. The proposed buffer area should be 30 meters and not 10 meters. Rerouting the drain and extracting the aggregate will diminish if not remove a corridor for the movement of wildlife (plants, animals, frogs, invertebrates etc). The protection of this wetland and woodlot area must be granted further consideration and protection. The citizens should not bear the cost of drainage alterations and maintenance to have it support greater flows of water should not be borne by the citizens. The wetland requires long term protections.

No quarry or pit that exposes the aquifer/groundwater should ever be used for storage of any kind unless approved by the appropriate governing ministry (i.e. MNRF, NPCA). No recycling of aggregates or asphalt or the manufacturing of cement products should occur in any area where the aquifer/groundwater is exposed or any area where a run-off could contaminate the groundwater/aquifer. These also should be conditions of the licence for the Pit 3 expansion.

Pits 1 and 2 expose hundreds of acres of vulnerable aquifer. The Pit 1, 2, and 3 and with the new expansion together exposes over 2 km of the highly vulnerable aquifer/groundwater; thereby, putting our precious natural resource of water at risk of contamination. This must change. Appropriate conditions for the new license could greatly reduce the risks. Such as the rehabilitation of Pits 1 and 2 to passive lakes to occur by the end of three years once operations of the expanded Pit 3 begin its operations. There needs to be specified timelines and increased monitoring.

Ultimately, a permit or license to only quarry above the groundwater table would be the best option to protect.

I am asking for greater protection of the aquifer/groundwater and specified timelines for rehabilitations of Pit 1 and 2 and ultimately Pit 3. Greater monitoring and less water taking (PTTWs) from our aquifer. Greater protection of the wetland and woodlot and what flows through the drain to our lake. The conditions of this license to expand Pit 3 can do this and these conditions that would offer greater protection need to be monitored. It has been too many years that our aquifer/groundwater has been at risk due to exposure. It is time to engage in the protection of such a significant resource as our water. We need sustainable development that considers the cumulative effects of aggregate quarry operations on our environment, our groundwater, and the ecosystem as a whole.

Sincerely,

[REDACTED]

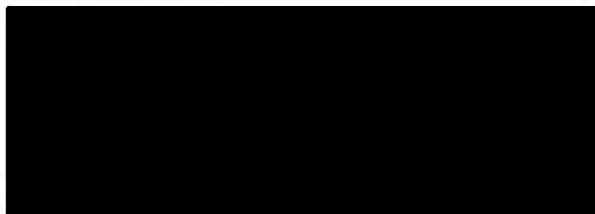
[REDACTED]

[REDACTED]

[REDACTED]

Via E-mail attachment and Canada Post

May 5, 2021



To: The Applicant
c/o Shawn Tylee
Port Colborne Quarries Inc.
222 Martindale Road,
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STylee@RankinConstruction.ca

Ministry of Natural Resources
and Forestry
Integrated Aggregate Operations
Section 4th Floor South,
300 Water Street Peterborough,
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Objection to: Application No. 626511, Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

IBI GROUP FINAL Planning Justification Report and Comprehensive Rehabilitation Strategy Rehabilitation:

It is understood that mineral aggregate is considered a strategic resource and that pits and quarries are a necessary activity and land use, and that they must be located where the resource exists. However, The Provincial Policy Statement (PPS) requires the appropriate development and protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The policies of the Provincial Policy Statement represent minimum standards and the expectation is that planning authorities and decision-makers will go beyond these minimum standards to address matters of importance, unless doing so would conflict with any policy of the Provincial Policy Statement.

The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, provide for recreational opportunities (e.g. fishing, hunting and hiking) and meet its long-term needs.

The demand for aggregates and the policies of the PPS do not override the protection of the environment, existing land use constraints, the legal rights of adjacent properties or the health and safety of the public. It is expected that the activity will be carried out in a manner that will not create any adverse impacts to the environment, water, sensitive

land uses and public. It is expected that commitments made by applicants to obtain a license will be honoured, and that the commitments will be enforced by the appropriate authority.

Using the same Section and Clause numbering as the Planning Justification Report (PJR), the following comments and objections are raised:

6.1.1 Long-Term Economic Prosperity

PPS Policy 1.7 states that:

Long-term economic prosperity should be supported by:

c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;

To which PCQ responded:

The development of the Pit 3 Extension will support the long-term availability of the aggregate resources which will provide a 'close to market' source for the provincial, regional and local aggregate markets. The aggregate reserves have been estimated to total 45 million tonnes, therefore, the minimum life duration for the quarry (based on 1,815,000 tonnes per year) is 25 years, thereby providing long-term access to the resources.

In consideration of the above the reality is that the proposed Pit 3 Extension does not support the long-term availability of the aggregate resources it actually depletes the aggregate resource and pushes the aggregate source "farther from market". Based on PCQ's predictions within 25 years the aggregate resource will be depleted, the once agricultural producing lands will be gone and all that will remain based on the progressive rehabilitation plan is a non-productive private passive lake.

These are the end results of the rehabilitation of Pit 2, Pit 3 and the extension to Pit 3 if approved.

Western Lake:	The lands situated between Snider Road and Babion Road be rehabilitated into a passive-use lake that is approximately 50 hectares in size with an eventual final lake depth of 12.0 metres deep. The side slopes of the lake will be 3:1 and vegetated with grass cover and trees/shrubs. Final ownership of the lake will remain with PCQ.
Eastern Lake:	The lands situated between Babion Road and Miller Road be rehabilitated into a passive use lake that is approximately 177 hectares in size with an eventual final lake depth of 8.0 metres to 16.0 metres deep. The side slopes of the lake will range from 2:1 to 4:1 and vegetated with grass cover and trees/shrubs. Final ownership of the lake will remain with PCQ.

Policy 1.7 requires this extension to support Long-term economic prosperity by promoting opportunities for economic development and community investment-readiness. Long term to PCQ is the time it will take for them to deplete the

aggregate resource 25 years. In their expansion submission they are not committing to anything in the future beyond that.

Policy 1.7 requires that this extension should support the sustaining and enhancing of the viability of the agricultural system through protection of agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network.

PCQ's Comprehensive Rehabilitation Strategy falls short of satisfying the requirements of PPS Policy 1.7. Their long-term support for economic prosperity ceases when the mineral resource is exhausted in 25 years or sooner and all that is left, if they do follow through with their rehabilitation plan is a private passive lake.

The Rehabilitation Strategy does not identify how the passive lake will be used or developed to support Long-term economic prosperity or provide opportunities for economic development. By no means is a private passive lake ready for community investment or serve the economy in the future.

Although this extension application speaks to providing for continued use of the agricultural lands conducive and compatible to the mineral aggregate operations its result will be removing the agricultural resource and taking away opportunities to support local food production.

PCQ's rehabilitation plans fail to establish the use of the passive recreational lake and how that could support sustaining and enhancing the viability of the loss agricultural land or protect the agricultural resources. A private passive lake is not in itself an offsetting opportunity to support the local food or improve the agri-food network. The lake and portions of the property outside the limit of extraction should be considered A Private Open Space and conform to sections 3.13 Parks and Open Space and 3.14 Private Open Space of the City's Official Plan.

The rehabilitation strategy falls short of exhausting alternative opportunities for economic development and community investment-readiness of the private passive lake. It is understandable that the excavated area can not reasonably be returned to agricultural uses but there are other options. There is no reason why the rehabilitation plan does not include opportunities such as:

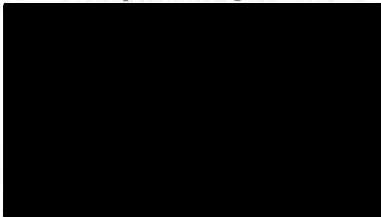
- ***Turning the passive lake over to the City for recreational uses;***
- ***Developing or selling the passive lake as an economical recreational business uses similar to Sherkston Shores Resort;***
- ***Developing those portions of the property outside the limit of extraction where they claim agriculture will continue, into residential and commercial opportunities either by themselves or a Developer; or,***

- Using the passive lake for aquacultural uses like fish farming that is *an opportunity to support local food, and maintain and improve the food network.*

Objection

This extension should not be approved until it can be demonstrated it will satisfy all the conditions of the PPS Policy 1.7 and the rehabilitation plan is revised to included how and when the private passive lake will support economic prosperity of the community after the resources have been extracted.

Respectfully Submitted



Via E-mail attachment and Canada Post

May 5, 2021



To: The Applicant
c/o Shawn Tylee
Port Colborne Quarries Inc.
222 Martindale Road,
P.O. Box 1116
St. Catharines, ON L2R 7A3
STylee@RankinConstruction.ca

Ministry of Natural Resources
and Forestry
Integrated Aggregate Operations
Section 4th Floor South,
300 Water Street Peterborough,
Ontario K9J 3C7
ARAAggregates@ontario.ca

Objection to: Application No. 626511, Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

IBI GROUP Comprehensive Rehabilitation Strategy Pit 1, Pit 2, Pit 3, Pit 3 Extension

It is understood that mineral aggregate is considered a strategic resource and that pits and quarries are a necessary activity and land use, and that they must be located where the resource exists. However, The Provincial Policy Statement (PPS) requires the appropriate development and protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The policies of the Provincial Policy Statement represent minimum standards and the expectation is that planning authorities and decision-makers will go beyond these minimum standards to address matters of importance, unless doing so would conflict with any policy of the Provincial Policy Statement.

The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, provide for recreational opportunities (e.g. fishing, hunting and hiking) and meet its long-term needs.

The demand for aggregates and the policies of the PPS do not override the protection of the environment, existing land use constraints, the legal rights of adjacent properties or the health and safety of the public. It is expected that the activity will be carried out in a manner that will not create any adverse impacts to the environment, water, sensitive land uses and public. It is expected that commitments made by applicants to obtain a

license will be honoured, and that the commitments will be enforced by the appropriate authority.

Using the same Section and Clause numbering as the Planning Justification Report (PJR), the following comments and objections are raised:

Comprehensive Rehabilitation Strategy

Pit 1, Pit 2, Pit 3, Pit 3 Extension (Pg 2)

3 Existing Extraction Sites

PCQ operates several existing quarry sites within the area bounded by Highway 140, Highway 3 (Main St.), Miller Road and Second Concession Road. Some of these sites are active but not licensed and therefore do not have an established rehabilitation plan, and other sites are licensed under the Aggregate Resources Act which are both active and non-active extraction areas.

Fact is PCQ operates only 3 quarry sites Pit 1, Pit 2 and Pit 3. Pit 1 was depleted prior to 1971 and is not an active extraction site and could have and should have been rehabilitated many years ago when Pit 2 was depleted. Processing of aggregate continues in unlicensed Pit 1 despite the 1982 SPA and the availability of sufficient space in the depleted Pit 2 to move the processing to Pit 2 and rehabilitate Pit 1 in what is understood to be progressive.

Failure to require and ensure rehabilitation of Pit 1 by the City of Port Colborne and the MNR defies the intention of the Aggregate Resources Act (ARA), Provincial Policy Statement (PPS), Regional Official Plan (ROP), Port Colborne Official Plan (PCOP) and Port Colborne's Comprehensive Zoning By-law (CZB) requiring progressive rehabilitation. One can speculate the reason for not rehabilitating Pit 1 to be purely financial and benefitting only PCQ.

Fact is there is an established rehabilitation plan for Pit 1 that is found in the Site Plan Agreement of 1982 between the City and PCQ. Excerpts from the 1982 SPA identifying the rehabilitation and commitment by PCQ are provided below in Figures SPA 1 through SPA 4

Figure SPA1

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. 1155/102/81

BEING A BY-LAW TO AUTHORIZE ENTERING
INTO A SITE PLAN AGREEMENT WITH PORT
COLBORNE QUARRIES LIMITED.

1. In this Agreement,
(a) "Plans and drawings" means the plans and drawings included as Schedule "A" - Existing Site Plan or Existing Features; Schedule "B" - Proposed Site Development Plan or Direction of Operation; Schedule "C" - Rehabilitation Plan; attached hereto and forming Part of this Agreement and such additional Plans and drawings as may subsequently be approved by the City of Port Colborne including plans or drawings which revise or replace any one or more of the plans and drawings attached hereto.

Site Plan Agreement 1982 Page 1 of 26

Figure SPA 2

14. The Quarries has as a condition of licensing pursuant to the Pits and Quarries Control Act, agreed to undertake and maintain a rehabilitation program comprising a passive recreational lake which would only be used by sail boats, canoes and row boats.

Site Plan Agreement 1982 Page 6 of 26

Figure SPA 3

23. The Quarries agrees to the undertaking and maintenance of a rehabilitation program compatible to the program contemplated in Clause 14 of this Agreement for that area west of Snider Road, being Part of Lots 23 and 24, Concession 2. **Pit 1**

Site Plan Agreement 1982 Page 8 of 26

Figure SPA 4

31. This Agreement shall enure the benefit of and shall be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns and successors in title.

Site Plan Agreement 1982 Page 10 of 26

This is acknowledged on page 6 of the Comprehensive Rehabilitation Strategy and page 16 of the Planning Justification Report. PCQ's acknowledgement of the Site Plan Agreement and their demonstrated lack of progressive rehabilitation

demonstrates they are not committed to honouring the intent of agreements and illustrates how they will honour their future commitments.

On Page 67 of the PLANNING JUSTIFICATION REPORT PIT 3 EXTENSION Section 7.4 Progressive Rehabilitation of Extraction Area states, "As the site is progressively extracted through the three phases, rehabilitation will also occur progressively." This gives the definition and meaning to "progressive" as it applies to both the extraction and rehabilitation the same such that the amount of remediation would equal the extraction. The common unit of measure between extraction and rehabilitation is the cubic meter. Given this understanding by PCQ Pit 1 being a 67 hectare site should have been completely rehabilitated when as Pit 3 commenced as Pit 2 is a 73 hectare site.

Fact is Pit 2 was depleted in and about 1986. Pits 2 and 3 are licensed under the Aggregate Resources Act license #4444 and a condition of that license is progressive rehabilitation. Pit 2 is not an active extraction site and is only used for storage of various things and a haulage road to connect Pit 1 and Pit 3. The haulage road would not be required if the processing operations in Pit 1 were relocated into Pit 3 as intended in the licensing of Pit 2 and 3 and now as proposed in the request for expansion.

Although the Site Plans for Pit 2 and Pit 3 are combined and the Rehabilitation Plan is the same for both, being that of a passive recreational use as a lake the remediation of them can be independent. The "extraction of the site is all but complete" with an estimated million tonnes of reserve remaining that PCQ could retrieve but claim it is problematical and expensive because it is buried under overburden. Retrieval is well within the ability of PCQ and the overburden could be used for the rehabilitation of Pit 2. PSQ is requesting a zoning amendment to reduce the set back along Highway 3 from 90m to 30m so they can extract the half a million tonnes of aggregate there, but they won't make the effort to retrieve the million tonnes in Pit 2. One can speculate the reason for not retrieving the reserve and not rehabilitating Pit 2 is purely financial and benefitting only PCQ. If PCQ were truly honouring their commitment to progressive rehabilitation, Pit 2 would and should be ready to have the pumps turned off and allowed to fill and become a passive recreational lake as they claim.

Page 95 PLANNING JUSTIFICATION REPORT PIT 3 EXTENSION "Once full extraction is complete, the dewatering pumps are removed and over-time, the groundwater levels will rebound resulting in the creation of a large lake that will be on 8.0 to 16.0 metres deep."

PCQ openly acknowledge on Page 8 of the Comprehensive Rehabilitation Strategy that progressive rehabilitation is a key component of the Aggregate Resources Act (ARA) and a policy requirement of the PPS. In addition to the ARA and PPS rehabilitation is a key component of the Regional Official Plan and the Port Colborne Official Plan (PCOP). The PCOP in section 10.1 Mineral Aggregate states a party conducting a mineral aggregate operation such as PCQ shall

minimize the long term impact of the disturbed area by encouraging and promoting the timely, progressive and final rehabilitation of the aggregate operations. Rehabilitation at PCQ has not been timely or progressive.

PCQ acknowledges that progressive rehabilitation is a key component of the various acts and regulations that govern their MAO but PCQ has denied and delayed the progressive rehabilitation of Pit 1 and 2. PCQ has shown no willingness or significant effort to rehabilitate the depleted quarries and have found excuses and loopholes to avert the requirements to progressively rehabilitate.

Western Lake:	The lands situated between Snider Road and Babion Road be rehabilitated into a passive-use lake that is approximately 50 hectares in size with an eventual final lake depth of 12.0 metres deep. The side slopes of the lake will be 3:1 and vegetated with grass cover and trees/shrubs. Final ownership of the lake will remain with PCQ.
Eastern Lake:	The lands situated between Babion Road and Miller Road be rehabilitated into a passive use lake that is approximately 177 hectares in size with an eventual final lake depth of 8.0 metres to 16.0 metres deep. The side slopes of the lake will range from 2:1 to 4:1 and vegetated with grass cover and trees/shrubs. Final ownership of the lake will remain with PCQ.

Page 15 Comprehensive Rehabilitation Strategy Pit 1, Pit 2, Pit 3, Pit 3 Extension

On page 93 of Planning Justification Report Port Colborne Quarries Inc. Pit 3 Extension states that Provincial Standards for a Category 2 Licence under the Aggregate Resources Act (1.4 and 2.1.5) require the demonstration of progressive and final rehabilitation. No where has it been demonstrated that PQC has progressively rehabilitated concurrently as they have progressively extracted the mineral aggregate as they claim.

OBJECTION

PCQ has misrepresented the current state of rehabilitation and their obligations. There should be no approval of the proposed extension until the processing equipment in Pit 1 is relocated to Pit 3 and there is an unconditional condition of licensing for the extension that requires PCQ to surrender the permits for Pit 2 and the Minister has approved the rehabilitation of Pit 2 has been performed in accordance with this Act, the regulations, the site plan, and the conditions of the permit. 1996, c. 30, s. 37. prior to the commencement of excavation activities of any deposits associated to the defined expansion areas of Pit 3.

Furthermore, PQC should be required to demonstrate the progressive rehabilitation of Pit 2 and 3 as well as how the rehabilitated extraction area optimizes the long-term availability and use of the land in the best interest of

economic prosperity as required by PPS Policy 1.7 prior to the approval of the extension.

Respectfully Submitted



May 5, 2021



To: The Applicant
c/o Shawn Tylee
Port Colborne Quarries Inc.
222 Martindale Road,
P.O. Box 1116
St. Catharines, ON L2R 7A3
STylee@RankinConstruction.ca

Ministry of Natural Resources and Forestry
Integrated Aggregate Operations Section 4th
Floor South,
300 Water Street Peterborough,
Ontario K9J 3C7 ARAAggregates@ontario.ca

Objection to: Application No. 626511, Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

IBI GROUP FINAL Planning Justification Report

It is understood that mineral aggregate is considered a strategic resource and that pits and quarries are a necessary activity and land use, and that they must be located where the resource exists. However, The Provincial Policy Statement (PPS) requires the appropriate development and protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The policies of the Provincial Policy Statement represent minimum standards and the expectation is that planning authorities and decision-makers will go beyond these minimum standards to address matters of importance, unless doing so would conflict with any policy of the Provincial Policy Statement.

The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, provide for recreational opportunities (e.g. fishing, hunting and hiking) and meet its long-term needs.

The demand for aggregates and the policies of the PPS do not override the protection of the environment, existing land use constraints, the legal rights of adjacent properties or the health and safety of the public. It is expected that the activity will be carried out in a manner that will not create any adverse impacts to the environment, water, sensitive land uses and public. It is expected that commitments made by applicants to obtain a license will be honoured, and that the commitments will be enforced by the appropriate authority.

Using the same Section and Clause numbering as the Planning Justification Report (PJR), the following comments and objections are raised:

Planning Justification Report Setbacks

6.1.5 Mineral Aggregate Extraction (Pg 13)

Policy 2.5.2.1 states that:

As much of the mineral aggregate resource that is realistically possible shall be made available as close to markets as possible.

To which PCQ Responded:

In addition to the prescribed setbacks mandated by the ARA, the technical studies undertaken in support of the application identified numerous land-use constraints, and in some situations, additional setback requirements, all which have reduced access to some of the rock resources at this time. However, through PCQ's acquisition of the Carl Road right-of-way, this will allow more resources to be available as well as enabling the overall extraction operation to be significantly more efficient.

Based on the availability of rock resources at this time, Golder has confirmed through the attached hydrogeological study that the site contains a large volume (40 – 50 million tonnes) of high-quality rock that meets Ontario Provincial Standard Specifications (OPSS) for road construction.

In addition, the application has included a reduction of the municipal setback to provincial highways from 90.0 metres (as specified in the City of Port Colborne Zoning By-Law) to 30.0 metres, which conforms to ARA Provincial Standards and ensures that as much resource as possible is made available. Access to these additional resources has been calculated to be approximately 1.3 million tonnes

From the IBI Pit 3 Extension drawing 115774-PIT3EXT 3-OP the length of quarry wall adjacent to HWY 3 is about 608m and the height is 15m using the difference between the Comprehensive Zoning By-law 6575/30/18 (CZB) of 90m and the requested setback of 30m this calculates out to be approximately 545,000 tonnes of aggregate not 1.3 million as claimed.

There is an estimated million tonnes of aggregate remaining in Pit 2 that PCQ could retrieve but haven't and they are claiming it is preventing the rehabilitation of Pit 2. Based on PCQ's lack of desire to retrieve the aggregate in Pit 2 and it being twice the volume of amount of aggregate reducing the setback would yield it is reasonable to state it is not significant and doesn't justify granting the amendment.

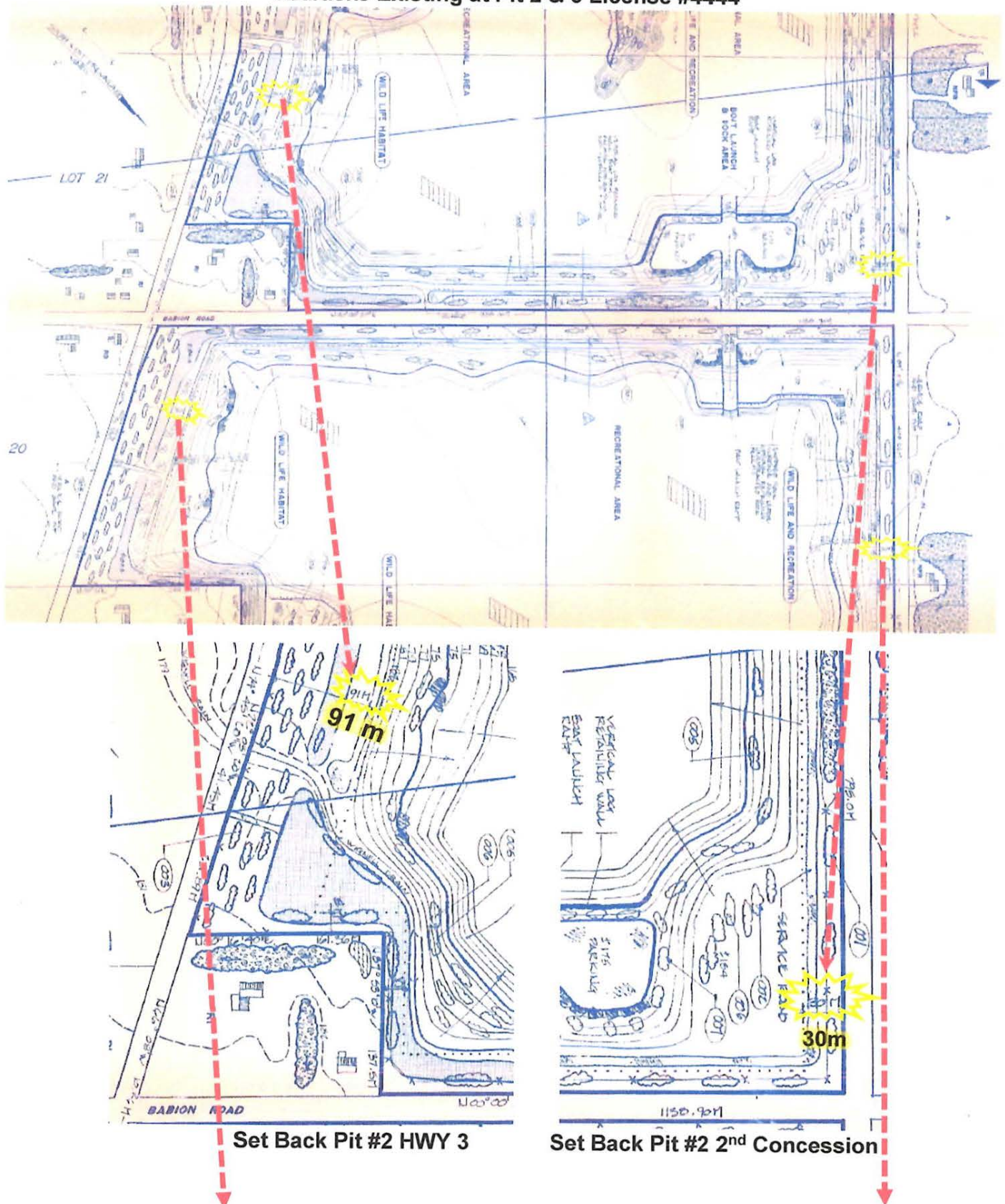
"PCQ are aware of approximately 1 MT of reserve remaining within the north-east portion of the site but its' retrieval is problematical and expensive since the previous licensee buried these reserves under overburden."

Comprehensive Rehabilitation Strategy Pit 1, Pit 2, Pit 3, Pit 3 Extension (Pg 8)

Reducing the set back for the extension along Highway 3 is not consistent with the conditions on Licence #4444. The setback from Highway 3 for Pits 2 and 3 is 90m as shown below in Figure 1.

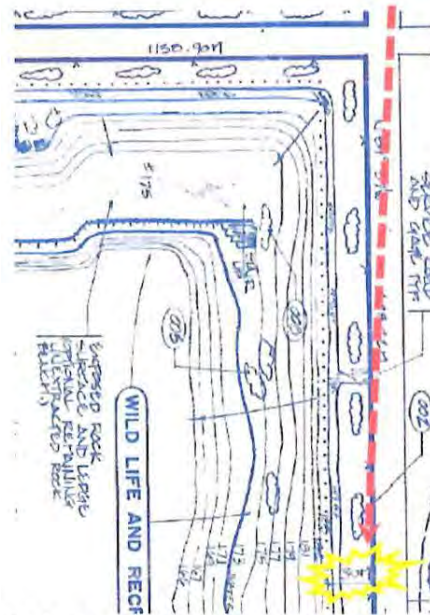
Allowing the setback to be reduced 30m reduces the potential use of the perimeter land for future residential or commercial development. This is not optimizing the long-term availability and use of the land in the best interest of economic prosperity as required by PPS Policy 1.7. This is also non compatible with the surrounding rural residential and agricultural uses as it drastically changes the visual character of the agricultural area and impact of quarrying operations on surrounding sensitive land uses and values.

Figure 1
Setbacks Existing at Pit 2 & 3 License #4444





Set Back Pit #3 HWY 3

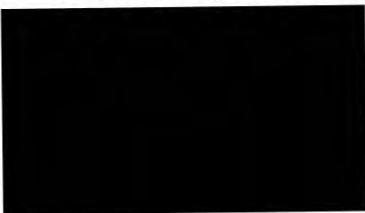


Set Back Pit #3 2nd Concession

OBJECTION

I am objecting to the approval of expansion because of the unreasonable reduction in the setback along Highway 3 being requested. PCQ is miss representing the volume of aggregate by 140% and exaggerating its significance. This volume of aggregate based on PCQ's lack of efforts to retrieve the residual aggregate in Pit2 is understood to be insignificant to PCQ. Reducing the setback to 30m would not be consistent with the 90m setback condition in the existing license #4444 for Pit 2 and 3. An inconsistent setback with Pit 2 and 3 will negatively impact the visual character of the agricultural area. Reducing the setback increases the potential for adverse affects on the adjacent sensitive land uses and their property value due to dust, vibration, and noise. Reducing the setback is optimizing the long-term availability and use of the land in the best interest of economic prosperity.

Respectfully Submitted



MARGARET A. HOY PROFESSIONAL CORPORATION

Barrister & Solicitor

Margaret A. Hoy, B.A., LL.B. 207 – 6150 Valley Way Tel: 905-354-4414
Email: mhoy@bellnet.ca Niagara Falls, Ontario L2E 1Y3 Fax: 905-356-7772

May 7, 2021

ARAApprovals@ontario.ca
pcq@pcquarry.com

Port Colborne Quarries Inc.
Corner Chippawa Road & Hwy 140
Port Colborne, Ontario
L3K 5W1

Attention: David R. Sisco

danaquilina@portcolborne.ca

City of Port Colborne
66 Charlotte ST
Port Colborne, ON
L3K 3C8

Attention: Dan Aquilina

Sean.Norman@niagararegion.ca

Region of Niagara
1815 Sir Isaac Brock Way
PO Box 1042
Thorold, ON
L2V 4T7

Attention: Sean Norman

Dear Sirs:

LADD OBJECTIONS TO QUARRY PROPOSAL

The basis of the objection is multifold issues as follows: Nuisance , Environmental damage, Property damage environmental, Destruction of endangered species , Pollution of the water table , Disturbance of surface pollution by disturbing contaminated property, Traffic disruption, Blasting destruction of property Contamination of surface and ground water and Destruction of quiet enjoyment of property.

MARGARET A. HOY PROFESSIONAL CORPORATION

Barrister & Solicitor

Margaret A. Hoy, B.A., LL.B. 207 – 6150 Valley Way Tel: 905-354-4414
Email: mhoy@bellnet.ca Niagara Falls, Ontario L2E 1Y3 Fax: 905-356-7772

Nuisance: This proposal directly and negatively impacts on the property and enjoyment of Ms. Ladd by reason of noise traffic sounds, blasting of the quarry, sounds truck noise and exhaust fumes and pollution and rotting garbage smells, all of which will be contrary to acceptable level for livestock, farming and enjoyment of the land and health of animals and humans. There is no remedy to any of this in the proposal. Further the above mentioned factors will result in further devaluation of the land and property surrounding the Quarry.

Environmental damage: the site for the quarry is on contaminated land which includes pollutants from the mining of Nichol in the area. The land has been deemed contaminated from this and contains multiple toxic chemicals some of which are carcinogenic in nature. The disturbance of these dangerous and toxic chemicals by this quarry proposal will further contaminate through these chemicals throughout the region creating further harm to surrounding lands, wildlife and people and the ability to live safely in the area.

In addition to the proposal being a conveyor belt for further distribution of the contaminants from disturbing the contaminated property pollution, the proposal will endanger wildlife in the area by removing habitat by blasting, clearing, noise from machinery trucks and blasting such that wildlife cannot coexist in the area given the use of this property. Endangered and threatened species inhabit the area such as Fowler's toad, bluebirds, whippoorwill, evening grosbeak, barn swallow, barn owl, painted turtles, salamanders.

Physical damage: In addition to the above concerns, Ms. Ladd has already sustained damage from blasting including numerous broken windows to her house as well as cracks to her basement from blasting. Attached are photographs of the blasting damage. This is an unacceptable result of the quarry currently blasting and further proposals on this property are unacceptable and will no doubt cause further physical damage and destruction to her property.

Water table pollution: The water table is at high levels in this area and this proposal will pollute the water table which is a source of water for both human and animal consumption as well as industry. Once polluted there is no process to clean or correct this huge water table

MARGARET A. HOY PROFESSIONAL CORPORATION

Barrister & Solicitor

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Email: mhoy@bellnet.ca Niagara Falls, Ontario L2E 1Y3 Fax: 905-356-7772

which develops from Lake Superior down to this area. This harm is immeasurable and irreparable by either process or money.

IN SUMMARY, MS. LADD IS OBJECTING TO THE PROPOSAL FOR ALL OF THE REASONS SET FORTH ABOVE AND SUPPORTS THE OTHER OBJECTIONS PROVIDED. THIS PROPOSAL IS HARMFUL TO BOTH HER , HER PROPERTY , HER WELLBEING , HER LIVESTOCK, THE ENVIRONMENT , THE WILDLIFE IN THE AREA AND THE WATER TABLE WHICH PROVIDES SUBSTANTIAL AMOUNTS OF CLEAN DRINKING WATER, NOT ONLY TO MS. LADD BUT ONTARIANS.

Sincerely,



MARGARET A. HOY PROFESSIONAL CORPORATION

Margaret A. Hoy

MAH/lv

Deadstock Location (on 22 acre property, Lot 19, Conc. 2, Humberstone Township, Port Colborne.



Legend

Environment

- ▲ Geotechnical
- ★ Oil and Gas
- ▲ Bedrock Outcrop
- Known Water
- Water Well
- * Other

Infrastructure

- Expressway
- Principal Road
- Major Road
- Local Road

Water

- Intermittent
- Permanent
- NPCA Stream

0 25 50
m

1 centimetre



PUBLICATION
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Printed in Ontario, Canada

Ministry of the Environment
Nutrient Management Program

The maps shown here are for illustration purposes only and are not suitable for site-specific use or applications. Ministry of the Environment provides this information with the understanding that it is not guaranteed to be accurate, correct or complete and conclusions drawn from such information are the responsibility of the user. While every effort has been made to use data believed to be accurate, a degree of error is inherent in all maps. Map products are intended for reference purposes only, and the Ministry of the Environment will accept no liability for consequential and indirect damages arising from the use of these maps. These maps are provided "as is" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use.

Cracked window



Cracked window



Cracked window





Fowler
Toad

Broken window sil, taped back together





Crack in basement floor

Crack in fireplace wall - Ms. Ladd tried filling cracks herself

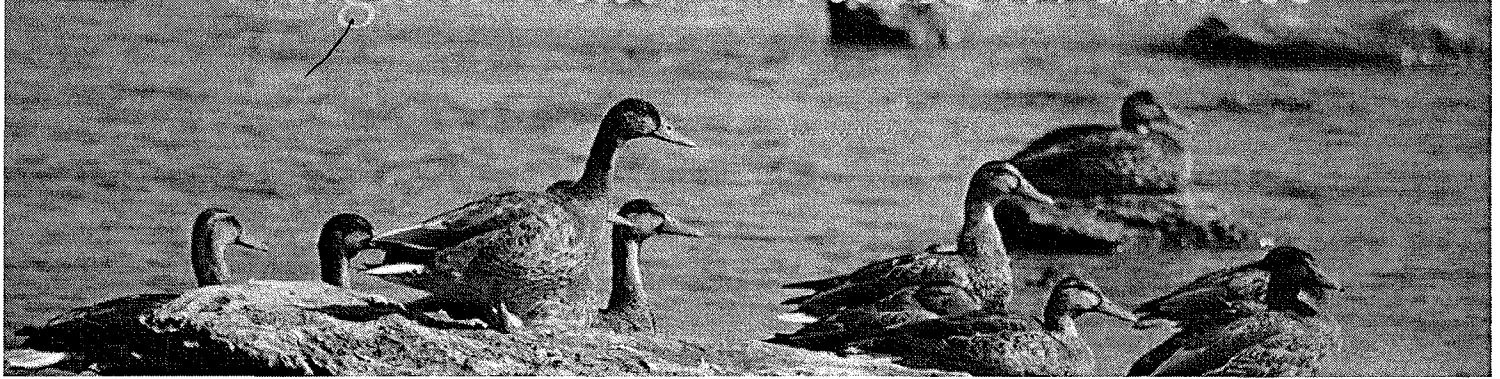




2



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Group by Niagara Water Protection Alliance

Niagara Water Protection Alliance Group

Public group · 717 members

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Join Group



Niagara Water Protection Alliance shared a post.

May 1 at 12:28 PM ·



IMPORTANT NOTICE TO ALL WISHING TO
VOICE CONCERNS / OBJECTIONS REGARDING PORT COLBORNE
QUARRIES INC.
PERMIT APPLICATION # 626511 – TO EXPAND PIT #3.
YOU HAVE UNTIL MAY 7, 2021 TO SUBMIT YOUR LETTERS VIA EMAIL
OR MAIL
TO THE FOLLOWING LISTED BELOW:

THE PERMIT APPLICATION NUMBER (626511) MUST BE REFERENCED
IN YOUR LETTER.

Address #1:

The Applicant
Port Colborne Quarries Inc.
222 Martindale Road, P.O. Box 1116
St. Catharines, ON, L2R 7A3
Email: style@rankinconstruction.ca

Address #2:

Ministry of Natural Resources
Page 531 of 833



2



5



Peterborough, ON, K9J 3C7
Email: ARAApprovals@ontario.ca

On the Port Colborne Quarries Website there is an abundance of information that may be overwhelming to some.

Therefore we are attaching three (3) letters of objections that have already been sent to both the above for your review. Please feel free to use any of the information within these letters in your letters of objection.

LETTER #1:

Via Email Attachment
April 28, 2021

To. The Applicant
Port Colborne Quarries Inc.
222 Martindale Road, P.O. Box 1116
St. Catharines, ON, L2R 7A3

Ministry of Natural Resources and Forestry
Integrated Aggregate Operations Sector
4th Floor South, 300 Water Street
Peterborough, ON, K9J 3C7

REGARDING:
OBJECTIONS / COMMENTS TO: PLANNING JUSTIFICATION REPORT –
APPLICATION No. 626511
PORT COLBORNE QUARRIES INC.
PIT 3 EXTENSION – Prepared by Port Colborne Quarries Inc.

I would like to speak to the specific location stated in the justification report as:

“THE NEW HUMBERSTONE SPEEDWAY” – Section 6.1.7
3.2.2

Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that (there) will be no adverse effects.
Response: A portion of the Pit 3 extension encompass the New Humberstone Speedway and the lands may potentially contain petroleum related (containments?) contaminants. To avoid the possibility of any such material being removed from the site, these soils will be restricted for the use only in the construction of the perimeter berms along Highway 3.

My objections and concerns are to the above in that it does not address the actual potential of contamination at or on these specific lands, nor does it address the potential of future migration of the contamination at or on these specific lands to adjacent vulnerable water sources. The potential for contamination migration from the proposed berms into Provincial drainage systems (ditches along Highway 3) has not been considered.





2

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with calcium chloride.

Calcium chloride and water were used to prepare the track for the weekly racing events. The above was used to control dust emissions coming from the track surface during the speedway racing activities. The reduction of dust emissions during the racing event was considered a safety measure to reduce the risk of racing accidents. In addition, the mixture of water and calcium chloride was used to control dust emissions in the "pit areas" and on the track parking lot and roads.

Calcium chloride also allowed the track to maintain and control the moisture content of the track surface making it more compactable and aggressively abrasive as desired for dirt racing traction.

PETROLIUM CONTAMINATION AND ONSITE LOCATIONS OF CONTAMINATION CONCERN:

Humberstone Speedway will be starting its 63rd season this year. 63 years of exposure to engine failures (engine oil and additives), transmission failures (manual, automatic fluids and additives), coolant failures (antifreeze and additives), rear axle failures (gear oil and additives), gasoline and diesel fuel spills on the track, on the infield, in the pit areas and outside of the track in the parking lot. During specific racing events parts of the parking lot were used as an overflow for the pits. The parking lot has been subject to contamination from the parking of spectator vehicles. Overnight recreational vehicle and trailer camping was occasionally allowed.

On track and infield exposure was mainly due to racing incidents and mechanical failures, some quite violent at times. Other on track and infield exposure came during demolition derby type events. For those who might not be familiar with the term "Pits", this is the location where the drivers and team members staged and maintained their cars. Prior to environmental awareness, the handling and containment procedures of the types of fluids used in engines, transmissions, rear axle assemblies and fuel handling was not a concern or priority in most cases. There was also an incident in the pit area where a number of school buses (unknown number) had been parked. The unscrupulous one night removed the radiators for the copper content. The hoses were cut and all engine coolant (antifreeze) was lost to the ground in that area.

IMPORTED MATERIALS FROM OFF SITE LOCATIONS:

Over the years the track has had to bring in additional material for the track surface. In addition

I believe there is a large pile of "road grindings" that is presently overgrown north of the Pit area. Some of those road grindings have been deposited in the parking lot adjacent to the Pit gate and a portion of the driveway leading into the Pit area.





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Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

Response: A portion of the Pit 3 extension encompass the New Humberstone Speedway and the lands may potentially contain petroleum related (containments?) contaminants. To avoid the possibility of any such material being removed from the site, these soils will be restricted for the use only in the construction of the perimeter berms along Highway 3.

I have great concern with the above statements in that any potentially contaminated materials being used as PERIMETER BERMES in order to avoid removing them from the site. This does not negate the fact that even from berms that absorb water / contaminants will leach out hydraulically to the lowest receiver. That area being, according to the application the eventual rehabilitated Pit 3 Lake and into any adjacent drainage systems along Highway #3 and the Wignell Drain.

SUMMARY:

As per all of the above I respectfully submit that the lands referenced in this application as the "New Humberstone Speedway be treated as "BROWNFIELD" with the first step being a transparent Record of Site Condition (RCS). Prior to application approval.

LETTER #2:

2021-04-28Re: Application No. 626511

Ministry of Natural Resources and Forestry Integrated Aggregate Operations Section 4th Floor South, 300 Water Street Peterborough, Ontario K9J 3C7

and

The Applicant:Port Colborne Quarries Inc.222 Martindale RoadP.O. Box 1116St. Catharines, Ontario L2R 7A3

The basis of this objection is that PCQ has not lived up to the requirements of permit 4444 and, therefore, should not be granted a new permit for the Pit # 3 extension until they have done the necessary alterations to be on schedule for the rehabilitation of their current licence.

The largest shortcoming is the lack of rehabilitation of Pit # 2. Pit # 2 was to have the walls sloped as quarrying progressed. To date, there has been little work to slope the sidewalls as detailed on the drawings. After sloping the walls, the pit was to be allowed to fill with water to equilibrium with the water table. However, this has not been done and Pit # 2 continues to be left as an empty pit in order to accommodate a haul road for moving rock from the work face in Pit # 3 to the processing equipment located in Pit # 1.

The delay in moving the operation from Pit #1 to Pit # 3 has had adverse effects on: 1) water management, 2) energy conservation, 3) landscape appearance.

Water management has a number of components.Firstly, there is the cone of influence for drawdown of the water table. Under the current



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direction. If quarrying continues as in the past and present, the trench will elongate to 3400 m as Pit # 3 extension Phase 1 is quarried. After Pit # 2 fills with water, the continuity of the aquifer is re-established for 800 m, in the middle. If a category 4 licence is granted, the resultant interrupter trench is Pit # 3's 600 m in the east-west direction by 700 m in the north-south direction. If a category 2 licence is granted, the resultant interrupter trench will become 1600 m east-west as an additional 1000 m of Pit # 3 extension is quarried. Left to nature, the refilling of Pit # 2 could take a decade or more.

The Golder report shows calculations to support their drawdown cone of influence. The calculation predicts that the drawdown will be 10 cm at a distance on 1000 m. However, this is for a 100 mm borehole. There is no comparison for a 65 hectare new hole that is added to a hole that will be 117 hectares when quarrying is complete. That is a hole that is about 14 million times larger than used for the calculation. There are examples of wells going dry that were near Pit # 2 as it was being quarried. From the perspective of water drawdown that could affect neighbouring wells, granting a category 4 permit, instead of a category 2 permit, is desirable.

Secondly, there is the Permit to Take Water (PTTW) issue. PCQ has permits to take water from each of Pits 1, 2, & 3. The amounts are 6,566,400 l/d, 8,640,000 l/d, and 10,260,000 l/d. We are of the opinion that there is no need for PTTW if the excess water is being pumped into PCQ's privately owned lake, aka Pit # 2. This would reduce the permit by 18.9 million litres/ day. Once the water table is established, any excess water above the water table will just create a positive pressure hydraulic gradient into the aquifer. The same quality checks would be required as stipulated now for pumping into the Wignell Drain. In addition to helping reverse the negative impact of drawdown, there is a positive impact on the drain. A drainage ditch is designed to remove excess surface water so that farming can start earlier in the growing season and, during very wet summers, the crops are not rotting from too much water. Most of the time the drains have low flow but occasionally the flow is high. The water volume being pumped from the rock surface of the quarry floor into the drain is greater than the equivalent flow from agricultural land for 3 reasons. Most importantly, there is no soil to soak-up the rainfall. Next is the absence of vegetation to absorb the water and transpire it back into the atmosphere. Finally, there is the seepage from the portion of the quarry walls that are below the water table. Golder's report suggest that the increase could be as much as 22 % during operating years and decrease 6 % after quarrying is completed in 35 to 50 years. This means that for about 4 decades there will be an increased flow of water that is prone to carrying fine silt to the mouth of the Wignell Drain that discharges into Lorraine Bay of Lake Erie. The location of the mouth of the Wignell Drain is at the west end of Lorraine Bay and is in the lee of Cassidy Point. When the silt settles in this shallow part of the Bay, it makes a bed for the propagation of lake weed which breaks off during storms due to the wave action. The lake weed contributes to



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and Pit # 3 discharge into the Wignell Drain. In peak flow situations this is 18.9 million litres per day.

Thirdly, at the north end of the east branch of the Wignell Drain is a wetland area. This branch is currently acting as a source of drainage for this low lying area. This area is designated as Phase 3 in the quarrying schedule. We believe that for such a small area of land, that has a deep overburden, there is very little potential gain and considerable risk to the ecology of the area. One such disruption is the change in available water for the vegetation along the east and west walls of the 8 m to 16 m ravine that will be created by quarrying Phase 3. Any plants that are used to having wet roots could be stressed if they are in the drawdown cone of influence. This is a reason why the permit should exclude the Phase 3 extraction that creates the north-south ravine. If our recommendation to not grant a category 2 licence is accepted, then it becomes a moot point, as the desirable rock is below the water table.

Fourthly, the relocation of the Wignell Drain around the eastern tab of Phase 1A is being done for the benefit of PCQ. However, the video states that this will be done by The City of Port Colborne. If it is done as a City Works project, the taxpayers as a whole should object to footing the bill. If it is being done as part of the drainage act, then the landowners that will be assessed the cost should object. This is an issue for the management of PCQ. If the intent of the City administration is to treat it as a project under the jurisdiction of the drainage act, that could take years to work its way through the objection and appeals process. We suggest that the cost of this project be paid by the beneficiary, namely, PCQ.

Energy Conservation is a topic that, these days, is always thrown into the discussion. IBI Group point out that there is energy economy to be had by moving the new Quarry entrance from Miller Road to Highway #3, near Carl Rd. This is a good thing and is a small savings to the trucking firms that haul from the quarry. A far greater saving is the difference of today's practice of driving 2 km from the rock face to the production area. Additionally, this trip requires raising the annual payload (1,815,000 tonnes) 16 m in order to cross Babion Rd and another 16 m to cross Snider Rd. On the round trip, there is the tare weight of the haul trucks as they have to power their way over these two roads twice during each trip. We are commenting on this because it speaks to timing. As well as the benefit to the environment that comes with burning less fossil fuel, the financial benefit should be motivation to move production from Pit #1 to Pit #3 as quickly as possible. The sooner the production is moved to Pit # 3, the quicker Pit # 2 can be allowed to fill with water and re-establish the water table for that area.

Landscape Appearance, or lack of it, to date, is one indication of the neglect and/or disregard PCQ has to their commitments to their business. When a company purchases an asset from another company, they also acquire the commitments that the previous owner made.

Commitments were made with permit 4450 that have not been



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Instead, in places, the berms have become overgrown with scrub trees and brush. These are minor in scope but coupled with the greater issue, they show the lack of commitment to do what is required. The greater issue is the lack of activity to rehabilitate Pit #2. It was supposed to be progressively rehabilitated as the area was quarried. The rehabilitation was to prepare the side walls with a specified slope in preparation for the pit to be filled with water to the water table. This should have been done long ago. Instead, only the north wall shows any sign of rehabilitation, and it is far from complete. Why PCQ has not done the required rehabilitation, or have been allowed by MNRF, to not comply with their licence, we don't know. However, before they are licensed to another 35 to 40 years of quarrying, they should be required to comply with the requirements of Permit 4444. Also, the overburden, that is the former Humberstone Raceway, should not be used for either berm construction or sloping of walls as it is Brownfield material. There is a significant risk of contamination from environmentally unfriendly acts, over the years, with petroleum based products i.e. spills, dumps, and accidents with oil, gasoline, and antifreeze.

What we would like to see happen is PCQ be granted a conditional Class A, Category 4 (Quarry above Water) licence. The restrictions that would be required, before any quarrying is done are; 1) As per the licence, Pit # 2 be rehabilitated in preparation for conversion to a lake, 2) Berms and fencing be completed for Pit # 3 extension. 3) The berms and fences around Pits # 2 and # 3 be maintained according to permit 4444. 4) The rerouting of the east branch of the Wignell Drain be completed. 5) The relocation of the entrance/exit to Highway # 3 be completed. 6) The preparation of piping to redirect the water from Pit # 3 into Pit # 2 instead of the Wignell Drain be completed. 7) The production equipment be moved to its new location in Pit # 3. 🤔 A time line be established for the commencement and completion of each condition of the licence for Pit # 3 extension. {Preferably with all items complete within the next 5 years} 9) Timing details of when rehabilitation of the walls of Pit # 3 and Pit # 3 extension are to be completed so that a similar condition as today's does not occur in 35 to 50 years.

Robert Henderson, President

Niagara Water Protection Alliance c/o Robert Henderson 1933 Firelane
2, Port Colborne, Ontario L3K 5V3
nwpa411@gmail.com

Addendum: Regarding PCQ Pit # 1

The MNRF has informed NWPA that since Pit # 1 is not licensed, it does not come under their jurisdiction. NWPA does not want to complicate our objection to Class A Category 2 permit request by unnecessarily referencing future Plans for Pit # 1. However, letting you know of our hope for the outcome, may be of some importance to you as you make your decision on PCQ's application. NWPA would like Pit # 1 to be allowed to fill with water to the water table. With this goal



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LETTER #3

Via E-mail attachment and Canada Post

To:

The Applicant c/o Shawn Tylee

April 30, 2021

L3K 5V3

Port Colborne Quarries Inc. 222 Martindale Road, P.O. Box 1116

St. Catharines, ON L2R 7A3

STylee@RankinConstruction.ca

Ministry of Natural Resources and Forestry Integrated Aggregate Operations Section 4th Floor South, 300 Water Street Peterborough, Ontario K9J 3C7 ARAAggregates@ontario.ca

Objections to: Application No. 626511 Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

Planning Justification Report and Comprehensive Rehabilitation Strategy

Rehabilitation: Past, Present and Future

General Observations

It is understood that pits and quarries are a necessary activity and land use, and that they must be located where the resource exists.

The demand for aggregates and the accommodations of the Provincial Policy Statement (PPS) do not override the protection of the environment, the existing land use constraints, and the legal rights of adjacent properties. It is expected that the activity will be carried out with minimal impact to the environment, local property owners, and infrastructure.

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It is expected that commitments made to obtain a license will be honoured, and that the commitments will be enforced.

It is also recognized that reduction of aggregate resource depletion by such means as recycling is encouraged, however, this should not be conducted in areas which can cause any contamination of the groundwater/aquifer, neither in the interim, nor in the future.

Using the same Section and Clause numbering as the Comprehensive Rehabilitation Strategy (CRS) for the proposed Extension of Pit 3 for Port Colborne Quarries, and supplemented by the Planning Justification Report (PJR), the following comments and objections are raised:

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Policy Framework for Comprehensive Rehabilitation

There is an inconsistency in the annual quantity (tonnage) of aggregate to be removed. The video power point on the Port Colborne Quarries (PCQ) website indicates an amount of 1.815M tonnes, and the Planning Justification Report, page 16, identifies the quantity as 1.8815M tonnes. Which is correct?

In the Site Plan Notes, Page 2, Tonnage, the area designated for



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correct? In several reports, the discussion of final rehabilitation suggests berms will be removed as part of final relinquishing of the license. However, in the Planning Justification Report Page 76, "7. All existing on-site / external perimeter berms shall remain in place for the Port Colborne Quarries Inc.: Pit 1, Pit 2 and Pit 3 lands." The timing of the removal of each of the berms of each pit should be clearly identified by calendar dates and not to phasing or "progressive" rehabilitation, as the berm material is required for the rehabilitation of the embankments.

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3 Existing Extraction Sites 3.1 Pit 1

- Pit 1 quarrying was commenced approximately 1954-1955, as identified in the Planning Justification Report. This relates to the overview of Section 3 on page 2 of the Comprehensive Rehabilitation Strategy where it is stated extraction has extended over the past +65 years.

- Describing the 5.27 ha southwest corner of Pit 1 on Page 4 the PJR states "These lands are undisturbed and are occupied by a grove of trees." It is obvious from this statement that no site confirmation was conducted. The lands designated as Light Industrial (formerly Highway Commercial) were cleared of trees inflicted by emerald ash borer in 2017, and then subsequently completely decimated of all remaining trees in 2018. A photograph taken April, 2021 is included in APPENDIX 1.

- Photos of the current state of rehabilitation of Pit 1 are provided in APPENDIX 1.

- In addition to the many concerns expressed at the Public Information Centre (PIC) of April 14, 1981, were concerns about progressive and final rehabilitation. The minutes of this meeting are attached as APPENDIX 4, to verify the previous statement.

- Commitments in the 1982 Site Plan Agreement (SPA) for Pit 2 included that Pit 1 and Pit 2 would be entirely fenced in 1982, and berms treed, and that has not occurred to 2021. The SPA reflects the concerns of the participants in the 1981 PIC.

- The subsequent details of potential future use of Pit 1 should not even be included in an application for a license for Pit 3 extension. Pit 1 is not licensed, and PCQ is not applying for a license for Pit 1. MNRF have in the past indicated the current license has NO jurisdiction over Pit 1, and in 1994 they struck reference to the Site Plan Agreement between the City and PCQ in an update of license 4444 for Pit 2, on the basis that MNRF could not enforce a third party agreement.

- Suggesting Pit 1 be filled with excess soil under an ARA application for a different site does not meet the criteria of a license condition, and if Pit 1 is not licensed, it is not enforceable under the ARA. The suitability of Pit 1 for

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excess soil should not be dealt with under an ARA license but under the City



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- The potential for rezoning of Pit 1 does not recognize that the ANSI on the west wall of Pit 1 will become an accessible feature for public visiting.
- Page 2 of the Planning Justification report indicates City of Port Colborne Official Plan (OP) policies regarding rehabilitation. Of particular note is "within a reasonable time". Pit 1 was depleted prior to enactment of the Pits and Quarries Control Act of 1971. Yet, Pit 1 is far from rehabilitated. The argument is that Pit 1 is still active as a processing site for ongoing activities. However, this does not excuse the current state, without fencing as agreed in the Site Plan Agreement of 1982, vertical faces that are a hazard, and berms that are not maintained.
- The next paragraph in the Justification Report describes that the OP requires rehabilitation "in conformity with adjoining land designations" and "surrounding existing uses". Existing surrounding land uses were minimized in a report for the rehabilitation of Pit 1, subsequently referenced by IBI, which of note was not formally accepted by the City. The entire north property line of Pit 1 is opposite rural residential dwellings. The entire west property line is opposite Residential Development (RD) zoned property. The entire east property line is opposite property zoned both residential, and property to be rehabilitated to Passive Water Recreation. There is quoted that Pit 1 rehabilitation to mixed use industrial would be compatible to Passive Water Recreation, based on a water level of 173.0 masl, when it is predicted by the Hydrogeological Report that the water level will reach 178.0 masl, which clearly will be inter-visible between Pit 1 and Pit 2.
- It is also required that rehabilitation must restore ecosystem integrity as per the next paragraph, and that includes the restoration of the aquifer. This is not considered in the subsequent proposal for Pit 1.
- There was a commitment in 1982 that Pit 1 would be rehabilitated in conjunction with Pit 2, to compatible to Passive Water Recreation. This is acknowledged in the Planning Justification Report, Page 16: "It is acknowledged that there is some documentation that these lands were also intended to be rehabilitated to a lake".
- In addition to the above, mixed-use industrial on imported fill, with associated differential ground movement, excludes almost all uses requiring structures, unless deep foundations are provided, and there are other lands in the vicinity much more suited for such development. Use for transfer stations and other at grade uses would definitely not be compatible with existing and future neighbouring residential uses, nor passive recreation uses with a surface water level merely 2 m below surface ground level.
- Quarries of Category 2 are equivalent to giant wells. A landowner who wishes to abandon a well, as small as it may be, must follow strict Provincial guidelines and materials to abandon said well. These same material restrictions should also be required to abandon a Category 2 quarry.
- One justification for Pit 1 proposed is based on the current OP



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recognized for what it is, which is an interim use, and thus a temporary designation.

- The appropriate and most time effective rehabilitation for Pit 1, and the rehabilitation expected and agreeable to the quarry neighbours, is rehabilitation to Passive Water Recreation, as is described as the final rehabilitation of Pit 3.

- During the on-line Public Information Centre on April 20, 2021, John MacLellan of Port Colborne Quarries stated that the filling of Pit 1 with excess soil was "off the table". However, this is open to interpretation, and is not in writing. This would require that PCQ formally withdraw their request for a SAP from the City of Port Colborne.

3.2 Pit 2 Rationale for licencing of Pit 2 in 1982

- For clarity, the license under the Pits and Quarries Control Act, 1971, (PCQA), Pit 2 was licensed in 1974. In numerous public comments in 2018, PCQ has stated that the quarry preceded the ownership of area residents. In my case, my wife and I purchased our property at 770 Highway #3 (Part Lot 22, Concession 2, Humberstone) in March 1974, before the first PCQA

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license for Pit 2. It is also significantly before the 1982 license for Pit 2 expansion and Pit 3, which is partly on property previously owned by us.

- Residents that moved adjacent to the quarry after the granting of the license knew the rehabilitation agreements and expected the rehabilitation in accordance with the timelines in the reports cited above and following.

- The current license for Pit 2, license 4444, was issued in 1982. In the license it is referred to as the West Pit.

- For reference, the property for Pit 2 expansion under ARA license 4444 extending the licensed area under the 1974 PQCA, was purchased by PCQ after 1975, and some additional property acquired in an exchange of property with my wife and I in 1980.

- The expectation was that Pit 2 would be depleted in 2 - 3 years.

- The expectation was that Pit 2 would be progressively rehabilitated and long-term disruption was estimated by PCQ to be 2 - 3 years, as described in Region of Niagara Planning Report DPD 1489, Page 5, dated November 4, 1981, "... that extraction in the proposed expansion area is likely only to last for some 2 years the likelihood of this potential land use conflict is considered minimal." A copy of the above report is appended as APPENDIX 2.

- The expectation was that the time frame for rehabilitation of Pit 2 as described in City of Port Colborne Planning Department Report 82 – 14 dated May 12, 1982 and amended by Planning Committee dated May 19, 1982, would be within 6 months "after completion of extraction of aggregate". A copy of the letter sent by the City of Port Colborne to the MNR on May 21, 1982, item 11, expressed this condition, and a copy of the letter is included as APPENDIX 6.



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a least one that went very much astray. The fly-rock extended a distance of at least 100m off site and hit our adjacent house.

- The prevailing winds are from southwest, and when they shift to north or northeast, there is frequent dust carried to adjacent houses.
- "Because progressive rehabilitation is a key component of the Aggregate Resources Act and a policy requirement of the PPS, to date, PCQ has

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created side slopes around the perimeter of the proposed lake and initiated an extensive replanting program above what will be the final shoreline." This quote is on Page 8 of the PJR, and the description is far from accurate. APPENDIX 3, attached, contains photos showing the current – April, 2021 condition of rehabilitation, and it can safely be said this pit is not ready to have the pumps turned off to allow the pit to fill with water.

- A subsequent suggestion that Babion Road can be removed to connect Pit 2 and Pit 3 would further extend the timeline for final rehabilitation of Pit 2. The intent of the ARA is that roads could potentially be reduced to above the water levels and restored, or "tunnels" constructed to access between adjacent pits during extraction. The roads are intended to be restored.
- PCQ has already acquired Carl Road, which would be the adjacent easterly parallel access between Second Concession and Highway #3. The immediately adjacent parallel road to the west is Snider Road, and it is an unmaintained clay road and can only be accessed by all-terrain vehicles. The distance from Highway #140 and Miller Road is approximately 3.5 kilometers.
- Pit 2 was projected to be depleted +35 years ago, when it was licensed partially on the basis of a short term conflict with adjacent properties. The objective of the progressive rehabilitation of Pit 2 should include immediate completion of the sloped embankments, for imminent discontinuation of dewatering.
- The final rehabilitation should include immediate movement of the processing plant to Pit 3 and turning the pumps off in Pit 2.
- The impact of allowing Pit 2 to fill with water immediately will be that additional dewatering of Pit 3 will extend the cone of influence to the east, and it will be offset by restoration of the aquifer Top Water Level west of Pit 3.
- During the discussion at the PIC on April 20, 2021 it was suggested that the pumped discharge from Pit 3 be directed to Pit 2. The presenter indicated that this would need approval from MNRF. The rationale of this suggestion is that in addition to the rainfall, there is significant infiltration from the quarry faces. This rate of infiltration is estimated in the Hydrogeological Assessment at 72 litres/minute, and a conservative allowance of 10x this

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amount. The lower estimate is 4320 litres/hr, or 103 m³/day, which extends to 37,800 m³/year. That will cover 3.78 ha to a 1 metre depth

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The higher estimate amounts to ½m depth over the entire Pit 2 site.

- As quarrying progresses, the amount of rainfall runoff from the site also increases from normal rainfall runoff (Q=AIR). The runoff factor for flat vegetated agricultural land is approximately 0.2 (20%), and for a limestone floor quarry is nearly 1.0 (100%), an increase of 5x. This difference significantly increases the flow in the Wignell drain. That amount can be directed to Pit 2 without changing pre-quarrying flow in the drain, and drastically reduce the time required to restore the aquifer in Pit 2. It will also allow for sediment settling to reduce the sediment load in the Wignell Drain and drain outlet into Lorraine Bay.

- The discussion during the redirection of the dewatering of Pit 3 in the above bullet also included a discussion on creation of a lake in Pit 2 while activity continued in Pit 3. Cost was mentioned as the controlling factor, as Babion Road would be classified as a dam. Structurally the undisturbed rock is > 50m wide (20m ROW and 15m setbacks each side + sloping) to retain a 12m high water level. The faces of Pit 2 can be sealed with geomembranes installed as the embankments are rehabilitated. Vibration/seismic resistance can be created without disturbance of the in-situ rock. These are only a few of the many methods available to PCQ at reasonable cost.

- It appears that with the proponent is proposing is a relinquishing of obligations for Pit 2 rehabilitation

- The PJR suggests a possibility of future consideration of removal of Babion Road to create a single lake to include Pit 2 and Pit 3. From a recent Tribunal decision on a PTTW application: "The MECP's SEV states that the MECP must consider "the cumulative effects on the environment, the interdependence of air, land, water and living organisms, and the relationships among the environment, the economy and society". Cumulative effects are defined in the Canadian Environmental Assessment Agency, Cumulative Effects Assessment Practitioners Guide (1999), at 2.1, as the "changes to the environment that are caused by an action in combination with other past, present and future human actions". The assessment of cumulative effects is intended to examine the effects of multiple human activities on the environment. It is to ensure that assessments of environmental harm do not focus solely on the impacts of one project without considering the impacts of other human activities interacting and affecting the environment. This requires an assessment of all sources of harm in an area and consideration of the interdependence of air, land, water and living organisms." To consider only Traffic as the decision basis for this proposal does not meet these requirements.

3.3 Pit 3

Past proposal and license requirements for rehabilitation of Pit 3

- Pit 3 was licensed with the extension of Pit 2 in 1982 under ARA license 4444.

- Progressive rehabilitation as described in the site plans includes Phased rehabilitation of Pit 2 was to occur as extraction progressed in Pit 3. Photos appended verify this has not been completed. Present



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- The timelines in the current application for extension are vague at best. The Phasing does not break down the rehabilitation timelines much more than to a range in decades.
- Phase 1A encompasses more than 70% of the expansion site and relates the progressive rehabilitation to all of Phase 1. Phase 1A is sub-divided into 1a, 1b, 1c, and 1d. These sub phases are not included in the progressive rehabilitation plan schedule. During the PIC of April 20, 2021, the presenter was not able to provide the areas of the various phases and sub-phases. It was suggested this was simply to identify direction of extraction. However, the Operational plans refer to the phasing in the rehabilitation schedule.
- Based on the area of Phase 1A as it compares to the entire expansion area and a total projected life of the expansion of up to 35 years, the operation plan and progressive rehabilitation plan tied to Phase 1A is approximately 20 – 30 years.

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- The Phasing of the extraction, and the progressive rehabilitation, should coincide with the operation plan, which suggests stripping of overburden would be in 2 – 3 year increments, and the rehabilitation should align with that schedule, or as a minimum, a 5 year rehabilitation schedule related to calendar year rather than progress of extraction.
- The Site Plan Notes, Page 16, and Page 17 and Page 18: "Progressive Rehabilitation: As full extraction is progressively completed of portions of Phase 1A, the creation of sides slopes will begin. Side slopes will range from the steepest permitted by the ARA being 2(v) : 1(h) to a shallower slope of 4(v) : 1(h) and will be designed generally as shown on the Final Rehabilitation Plan but subject to site conditions." The slope designation in this paragraph are incorrect, and should be 2(h) : 1(v), 4 (h) : 1 (v) etc. to be consistent with other reports and the license drawing notes. Since the natural angle of repose of saturated soils is generally about 15o, this requires a 4 (h) : 1 (v) to be stable under water. This characteristic is displayed in the backfill placed along some of the south wall of Pit 1 which was originally placed at a steep angle and is now sloughed due to an unconstrained wet condition. This suggests that the minimum slope should be 4 (h) : 1 (v).
- Blasting has been reviewed in an accompanying report, but it has been residents experience that the current conditions are not followed. There are frequent blasts during overcast weather that create excessive air concussions.
- The Hydrogeological Assessment Report extensively reviews monitoring of recently installed wells. The report does not analyze the designation of the extension area as Significant Groundwater Recharge Area (SGRA). Changing the area to a quarry removes the SGRA designation and the significant contribution of the surface water/rainfall to the aquifer. This includes the current contribution to the wells within the cone of influence of the proposed expansion



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impact and what is required prior to relinquishing the license. During the PIC on April 20, 2021 this was mentioned. The response was that the MNRF will require how

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extensively the quarry floor will need to be cleaned prior to allowing the site to become filled with water. This same MNRF scrutiny must be applied to Pit 2, and it should be written into the license.

- The Hydrogeological Assessment Report assess the impact as if this proposal is a stand-alone quarry but does not assess the extension of the existing east-west 2200m long quarry by a proposed additional 1000m. A Cumulative Impact Assessment (CIA) of the groundwater would predict the extension of the cone of influence on the aquifer at the middle of this groundwater interceptor trench. Principle No. 4 of the MECP's Permit to Take Water Manual, dated April 2005 ("Permit Manual"), states that the MECP must consider the cumulative impacts of water takings, take into account relevant information on watershed/aquifer conditions, and may initiate a watershed scale or aquifer scale assessment beyond a local-scale impact assessment. It is suggested that applications for a Permit to Take Water (PTTW) include the CIA and that the PTTW for Pit 1 and Pit 2 be for a period of 5 years and the progress on rehabilitation of Pit 1 and Pit 2 reflect the commitment and reduction of the impact on the aquifer. This will also provide the data to verify the reduction of the cone of influence when Pit 1 and Pit 2 are no longer dewatered.

- The expansion of Pit 3 will create an even greater trough for an extremely long period of time unless progressive rehabilitation proceeds in a timely manner with directly stipulated dates. Repeating an earlier quote: "The MECP's SEV states that the MECP must consider "the cumulative effects on the environment, the interdependence of air, land, water and living organisms, and the relationships among the environment, the economy and society". The assessment of cumulative effects is intended to examine the effects of multiple human activities on the environment. It is to ensure that assessments of environmental harm do not focus solely on the impacts of one project without considering the impacts of other human activities interacting and affecting the environment. This requires an assessment of all sources of harm in an area and consideration of the interdependence of air, land, water and living organisms." The cumulative impact can be partially mitigated with proper and timely rehabilitation.

- The rehabilitation plan in the Planning Justification Report is contradictory in that the Planning Justification Report, and in the Site Plan Notes, Page 6,

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the berms will be retained, and on Page 19 it states the berms will be removed and used for sloping the quarry walls. "Berm Removal: As much of the on-site berms as possible will be removed once quarrying is complete with the subsoil and topsoil used to rehabilitate the final quarry side slopes above the final water limit (178.0 masl). However, where planted vegetation has grown and become mature on the



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retained." The timing of the removal of the berms needs to be clarified.

- In accordance with the ARA, asphalt recycling and recycled aggregate storage is not permitted in the groundwater table. The Planning Justification report, page 14, states: "Within the existing facility (Pit 2) and as part of the proposed facility (Pit 3), PCQ will continue to undertake the off-site recycling of aggregate related resources (i.e., asphalt, concrete). The Site Plan Notes, Page 5: "24. Recycling: Recycling of asphalt and concrete will not be permitted on this site." The conflicting statements should clearly prohibit this activity in the groundwater table. Also of note, Pit 2 is not licensed for aggregate recycling of imported materials.
- Recycling of aggregate is no longer included in the license annual limits. However, the estimated timeline for extraction, and by extension the time for progressive and final rehabilitation, will be extended if this reduces the demand for virgin aggregate from this site.
- The measured distance from the east wall of Pit 3 to the west wall of Pit 1 is 2200 m. This is the approximate distance the internal haulage vehicles must travel for each load of aggregate hauled to the current location of the processing plant. That is a round trip distance of travel of more than 4 km. The emissions from the haulage vehicles is avoidable by reducing this haulage. This will be drastically reduced by relocating the processing facility and creating a new access, and should be conducted within the first 5 years of a new license for Pit 3 extension.
- The Site Notes, Page 3 states: "11. Scrap: No scrap will be stored on-site but will be stored either in the Port Colborne Quarries Inc. Pit 1 or within License 4444 (Pit 3)." Scrap storage should be restricted in accordance with the latest revisions to the ARA. Statement 11, above, is contrary to the ARA.
- The material from the New Humberstone Speedway should not be used for berms or quarry face rehabilitation, as it has not undergone a Record of

13

Site Condition (RSC) review, and is proposed to be placed within the High Vulnerable Aquifer. During the PIC on April 20, 2021 this was questioned. It was indicated by a presenter that the Region of Niagara has requested a Phase 1 RSC. It is suggested that the Phase 1 RSC was already described by another caller to the PIC, and this should extend to a Phase 2 RSC, and further if this confirms identified concerns of previous activity on this portion of the site.

- The Site Plan Notes, Page 4, 17 b) iv) suggests importing of fill for quarry face sloping. Based on the extent of overburden, identified by the borehole logs for the north portion of the Phase 1B and Phase 2 to be an average of 6m – 7m thick and greater to the north extent of Phase 2, there is adequate overburden that the risk associated with importing fill is not supportable. Stepped quarry faces can supplement the cut/fill balance to optimize the use of the available sloping materials



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woodlands. Although the subsoils are competent clay, they are still susceptible to reduced water retention. The setbacks should meet the NPCA standard of 30 m, with berming and fencing to ensure complete long-term protection of the wetlands, and there should be no quarrying on the east of the wetlands and woodlands. The groundwater level should be frequently monitored to ensure it is not impacted, and if it is changed, it should be immediately replenished. Further, the existing drainage by the east branch of the Wignell Drain should be retained.

- The proposed quarry area is in the plume of the deposition of emissions from INCO, now Vale. There is no recognition that the soil may contain nickel, arsenic, cobalt, copper, mercury and other heavy metals from past INCO operations. An extensive Community Based Risk Assessment (CBRA) was conducted over about a 10 year time frame. Reference and consideration of this is completely missing.
- The justification for quarrying of the Phase 3 area does not match the potential volumes of aggregate in the other zones. See APPENDIX 5 for calculations and commentary.

Summary

- Based on this quarry's record of rehabilitation, as shown by the appended photos, the residents have good reason to question the sincerity of the planned progressive rehabilitation.
- In complaints to the City Council regarding the state of rehabilitation of PCQ, the residents have been told there is no date stipulated, and therefore cannot be enforced.
- It is suggested that the Regional Municipality of Niagara and the City of Port Colborne only rezone the lands west of the former Carl Road, until PCQ has proven that they have carried out their commitments as agreed in the license, and that they have not impacted the local properties with noise, dust and vibration.
- Including backfilling of the unlicensed Pit 1 and the subsequent suggestion for rezoning of Pit 1, in an application for license of a remote site, does not fall under the jurisdiction of the ARA. The rehabilitation of the unlicensed Pit 1 should be dealt with by the City in accordance with the 1982 Site Plan Agreement.
- Phase 3 should be reduced to only include the south portion, retaining the Wignell Drain. This will provide some additional protection of the wetlands and woodlands and eliminate the need to alter the branch of the Wignell Drain that currently extends into the wetlands and woodlands.
- Not enforcing progressive rehabilitation and final rehabilitation leads to use of the site(s) for other uses, such as unapproved storage of materials like the storage of windmill components in Pit 2 in 2016. The MNRF should be conducting in-person verification that the license conditions are being carried out.
- There should be specific requirements for progressive rehabilitation related to calendar dates, and not exceed 5 year intervals.
- The processing facility should be moved to Pit 3 within the first 5 years of a new license for PCQ.



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• After +50 years of depletion of Pit 1, and after +20 years of depletion of Pit 2, final rehabilitation of Pit 2 should be completed within the first 5 years of a new license for Pit 3 extension.

Respectfully Submitted,

Jack S Hellenga

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Appendix 1 – Photographs of Quarry Faces of Pit 1 Photographs taken April, 2021

Middle of East Wall of Pit 1

Southwest end of South wall of Pit 1

Light Industrial (formerly High Commercial) Lot at Southwest corner of Pit 1

APPENDIX 3

Photographs of Pit 2 Quarry Faces Photographs taken April, 2021

South End of West Face Overview of Pit 2 Note the stored material, and equipment, on the floor of Pit 2

South Face of Pit 2

West Face of Pit 2

APPENDIX 5 Review of Phase 3 quarrying proposal Hydrogeological Report (Golder, 2020): Page 52 – Map of Ground levels: Phase 3, 182 – 183 masl Page 54 – Map of Top of Williamsville Unit level: Phase 3 Middle +/- 174 masl

- North 172 – 173
- North Centre 173 – 174
- Centre South 174 – 175
- South 175 – 176

Page 56 – Map of Bottom of Falkirk Unit: Phase 3 area +/- 170 masl Overburden thickness: 8m – 10m (182masl minus 172/174masl) Suitable Aggregate to bottom of Falkirk Unit: 2m - 4 m average thickness (172- 174masl minus 170masl) Area of Phase 3: +/- 4 ha (40,000 m²), less setbacks and sloping of overburden Volume of aggregate available: < 160,000 m³ (40,000m² x <4m) = < 430,000 tonnes Total aggregate in entire expansion area: 40M – 50M tonnes Volume available in Phase 3 = less than 1% of total on site Expansion into the north portion of Phase 3 will cut off the Wignell Drain east branch which extends into the wetlands and woodlands. Expansion into the north portion of Phase 3 will create a third side of drainage and create a peninsula for the wetlands and woodlands. Expansion into the north portion of Phase 3 will restrict movement of species and wildlife. Planting now will promote the corridor for wildlife movement to the north side of 2nd Concession Road.



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1 Share





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Write a public comment...



Press Enter to post.



Norman, Sean

From: Norman, Sean
Sent: Friday, March 3, 2023 2:08 PM
To: Norman, Sean
Subject: FW: Water Table

From: Gina Ramkissoo <gina@mykopublishinghouse.ca>
Sent: July 25, 2021 1:15 PM
To: David Schulz <David.Schulz@portcolborne.ca>
Subject: Water Table

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello David,

I live on [REDACTED]. Regarding PC Quarries I am concerned with any tampering with the water table. I have a cistern, therefore city water is delivered. However, as we should have learned from our Great Lakes, messing with fresh water is not something that can be undone.

They own the land, let them expand, but not deeper. Protect fresh water. It's priceless.

Thank you for your time.

[REDACTED]

Gina Collins Ramkissoo
Myko Publishing House
www.mykopublishinghouse.ca



ATTENTION
Bill Steel

2022 AUG 13 AM 5:04:08

City Clerk

Amber LaPoint

SAVE OUR Water
and land.



NO to Expanding
the
quarry



ATTENTION Bill Steel
city clerk Amber LaPoint Aug 10 2021
quarry Expansion

Sir

I am writing to express my
opinion on **Expanding the Quarry**
I find it should **Not** be allowed.
As the blasting that is done, Damages
our wells, causes nothing but
dust Also threatens our water
system and the Wildlife what's left of them

Please Sir

I grew up on Highway #3 West
close to the Quarry the blasting did damage
to our home and our Well and rumbled every
So Please for Further generations
Stop this. As for the last past Thirty Years
We have lived on the East side on Bell St
I have never seen so much rock & Dust
and you can feel the blasting all the way
to our home. So for ourselves & our son and
our granddaughter

Please Vote No

Norman, Sean

From: [REDACTED]
Sent: Friday, August 13, 2021 11:26 AM
To: Fricke, Britney
Subject:

CAUTION: This email originated from outside of the Niagara Region email system. Use caution when

Good Morning Britney,

I was involved in the PCQ application for expansion in 1980. One of the issues at that time was that the MNR (now MNRF) did not share their correspondence with the Local municipality and Region. I hope that practice has been corrected.

The MNR and MMAH were also asked to insert conditions in the license as part of the agreement for OP and Zoning ByLaw amendments. This was incomplete, and subsequent references in the license to a Site Plan Agreement were deemed by the MNR to be unenforceable under the ARA. This would indicate a very precise SPA is necessary unless the license reflects all the planning conditions.

Sincerely,
[REDACTED]

On Tue, 27 Jul 2021 at 06:53, Fricke, Britney <Britney.Fricke@niagararegion.ca> wrote:

Hi [REDACTED]

Thank you for your comments. The JART will consider them in our review of the applications.

Britney Fricke, MCIP, RPP (she/her)
Senior Planner
Planning and Development Services Department
Regional Municipality of Niagara
1815 Sir Isaac Brock Way, PO Box 1042
Thorold, Ontario L2V 4T7
Phone: 905-980-6000 ext. 3432
Toll-free: 1-800-263-7215
Fax: 905-687-8056
www.niagararegion.ca

[REDACTED]
Sent: Monday, July 26, 2021 5:56 PM

To: Fricke, Britney <Britney.Fricke@niagararegion.ca>; davidschulz@portcolborne.ca; D Deluce <ddeluce@npca.ca> **Cc:** Harry Wells/Port_Notes <harrywells@portcolborne.ca>

Subject: Port Colborne Quarry Application for expansion of Pit 3

CAUTION: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

I have received notice that the application for OP and ByLaw amendments by Port Colborne Quarries (PCQ) for expansion of Pit 3 has now been sent to the Region of Niagara, City of Port Colborne, and Niagara Peninsula Conservation Authority (NPCA). I understand that a Joint Agency Review Team (JART) will review the submissions.

Attached is my submission to the MNRF and the Environmental Registry Ontario (ERO) in response to the ERO posting. A copy was also sent to PCQ.

This response to the posting was submitted as a private property owner. If this issue arises at any meeting of a board, agency or committee of which I am a member, and if it may be perceived that I have a conflict of interest, I will recuse myself.

Respectfully,

[REDACTED]

The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

David Schulz

From: [REDACTED]
Sent: September 1, 2021 12:56 PM
To: David Schulz; britney.fricke@niagararegion.ca
Subject: Re: File Number ROPA-21-0001

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I wish to articulate my concerns for the Proposed Regional Plan Amendment 20, Local Official Plan Amendment D09-02-21 and Zoning By-Law Amendment D14-09-21 Port Colborne Quarry Expansion, City of Port Colborne. To that end, I am attaching my previous submission to Port Colborne Quarries Inc., and Ministry of Natural Resources and Forestry, dated April 6, 2021 in that regard.

I apologize for the format, nevertheless, this submission succinctly summarizes my concerns.

Thank-you, sincerely,

[REDACTED]

Port Colborne Quarries Inc.
[222 Martindale Rd.](#)
P.O. Box 1116
St. Catharines, ON., K9J 3C7

Ministry of Natural Resources and Forestry (MNRF)
Integrated Aggregate Operations Section
4th Floor
[300 Water St.](#)
[Peterborough, ON., K9J 3C7](#)

[REDACTED]

PCQ Expansion Objections

April 6, 2021

Regarding the proposed expansion of the Port Colborne Quarries Inc. (PCQ) Pit 3 of Licence #4444, operated in Port Colborne, Ontario, I wish to put forth several objections out of concern

for; 1) the migration and spawning of northern pike in the Municipal (Wignell) Drain that originates, in part, and flows across, the property of the proposed quarry expansion. Additionally, I have concerns about, 2) the quality of the water, pumped from their quarries which flows across our property; 3) the effects on the quality and quantity of water produced by my household well; and 4) the reduction of the setbacks from 90m to 30m along Highway 3 East.

1) I have lived with my family, on a 4.05 ha farm at [REDACTED], Port Colborne since 1998, which was before PCQ began to prepare the property on the East side of Babion Rd. for quarrying. I took photographs of the intermittently marshy field there, which was still a spawning bed for northern pike. The adult fish migrated up the Wignell Drain from Lake Erie, across our property and ended up in that field to spawn, before returning to Lake Erie also by the Wignell Drain.

I was interested in the behaviour of the pike which I, and my neighbours, had seen each Spring migrating upstream, across our properties in the same Wignell Drain. I was disappointed back then, that, it at least appeared, that no measures were taken by PCQ, or the MNRF to protect these pike and their spawning area before quarrying began. Now, as I study the present proposed expansion of PCQ Pit 3, I need some assurances that mitigating measures will be taken to protect both, the fish, which are still, but more rarely, seen in the Wignell Drain, and their habitat, from adverse effects in accordance with a Category 2 quarry.

2) Several years ago, we supported our youngest son's interest in growing organically-grown vegetables, and salad greens on our property, and selling them at the Port Colborne Farmers Market. He had set up an irrigation system which drew water from the Wignell Drain, but by mid-summer, customers began to complain about the chalky deposit on his fresh produce. We determined that the chalky sediment originated in the irrigation water taken from the Wignell Drain. We determined that PCQ, uses the Wignell Drain to dispose of their waste water, the products of the aggregate finishing process. I could not help but think about the effects of these sediments, on other organisms as they settle out onto the Wignell Drain floor, or on the floor of Lake Erie into which the Wignell Drain flows.

3) Thirdly, our house water treatment system includes a 5 micron sediment filter which I have often found to be clogged with a black deposit. Then, last summer, on two occasions, I was using the untreated water from our well with the garden hose, when a blast at the quarry could be heard. Within moments of the blast, the flowing water turned black for 2-3 seconds before clearing again. Some blasts seem stronger than others, and their effects are seen everywhere on our property from the barn, garage and basement floors, to the brickwork on our century-old home.

4) The proposal to reduce the setbacks along Highway 3 from 90m to 30m can only increase the damage sustained by our home and outbuildings. Having worked for several years in an iron-ore mining town, where blasting occurred several times per day, and having worked as a Seismologist for Energy, Mines and Resources, for 2 years, I am familiar with the blasting process, and its transmission through the atmosphere, and the bedrock. While it may be difficult to prove the correlation between the damage to our buildings, and the blasting, denying that there is a connection, I feel is naive.

The sequence of PCQ's Pits 1, 2, and 3 extend from approximately 1 km west of our home, to approximately 1 km east of our home. Collectively, these three pits have the effect of drawing down water northward toward the deeper "wells" which are these quarries, away from our well. The proposed expansion of Pit 3, could potentially result in threatening our water supply on which we rely. This is perhaps my most significant concern.

I look forward to your feedback regarding any of the above outlined concerns.

Sincerely,

A solid black rectangular box used to redact the signature of the sender.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Monday, September 6, 2021

To Whom It May Concern,

By way of this letter, we are asking that our comments be a matter of public record and be included in the staff recommendation report.

We currently live at [REDACTED] which is between Killaly St. East & Hwy #3 and have resided here since 1972. We own our home. After reading the proposed plan we have several concerns.

When we first moved into our home, we were aware of the quarry operations and could feel and hear the blasting. Since then, we have noticed that the blasting has gotten louder, and the vibrations are stronger. We had a good well, but it dried up in 2002 and we had to drill a new one. Many of our neighbors have also had to drill new wells. We question if the quarry operations have affected our well. And now with the possibility of the quarry expanding, we are concerned that the value of our home may depreciate. And we wonder how much vibration our home can take before it starts to show signs of failing. Who will be responsible for any property damage? Or what if we lose our well again? And would the quality of our well water be affected? With the proposed expanded quarry operations, would the crushing operation be moved and in turn expose our neighborhood to more dust and noise from the increased truck traffic? Would there be any health affects?

We are very concerned that all possible changes to the quarry operations would only have a negative impact to our property and neighborhood and possibly our health.

Signed

[REDACTED]
[REDACTED]

[REDACTED] [REDACTED] [REDACTED]
[REDACTED]

Attn:

Britney Fricke, MCIP, RPP
Senior Planner
Regional Municipality of Niagara
1815 Sir Isaac Brock Way,
Thorold, Ontario L2V 4T7
Phone: 905-980-6000 ext. 3432
Email: Britney.fricke@niagararegion.ca
File Number ROPA-21-0001

David Schulz
Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Phone: 905-835-2900 ext. 202
Email: David.Schulz@portcolborne.ca
File Number: D09-02-21 & D14-09-21

Re: *Proposed Regional Official Plan Amendment 20, Local Official Plan Amendment D09-02—21 & Zoning By-law Amendment D14-09-21 Port Colborne Quarry Expansion*

Dear Ms. Fricke and Mr. Schulz,

Please accept this as my input on the proposed amendments to Regional Official Plan (ROP), Port Colborne Official Plan (OP) and Port Colborne Zoning By-law 6575/30/18 (ZBL).

The Purpose and effect of the applications for ROP and City OP Amendments

The actual applications for ROP and City OP Amendments were not provided so based on the proposed amendments it is concluded that the intent is:

- 1. To change the designation of the subject lands from Agricultural to Mineral Aggregate Operation.***
- 2. To add a Special Policy Area to permit the proposed expansion of the quarry.***

Amendment No. ____ To the Official Plan for the Niagara Planning Area

PART “B” – THE AMENDMENT
Amendment ____
To the Official Plan for the
Niagara Planning Area

The Official Plan for the Niagara Planning area is amended as follows:

Map Changes (attached) *No map Attached*

“Schedule D4 – “Mineral Resources” is amended to add and the subject lands to the map denoting Licensed Pits and Quarries and the corresponding to the Legend.

Text Changes

The Official Plan for the Niagara Planning Area is amended as follows:

PART “C” – THE APPENDICES

PART “C” Not Provided

The Appendices provide information regarding public participation and agency comments relevant to the Amendment, but do not form part of this Amendment.

Comments

Without the map and appendices this proposal can not be considered complete and makes the proposed amendment unable to be fully assessed or comprehended by the public for comment or question. If there is no map or appendices the references to them needs to be removed.

The Special Policy Area as stated without a map consist of the general area and the description is not detailed enough for evaluation as to compliance with the Comprehensive Zoning By-law (CZBL).

There is no detail with regards to or justification of how these amendments are consistent with the Provincial Policy Statement and Regional Policies to protect Transportation Corridors. Yet based on the Region's review of the "Planning Act, the Growth Plan for the Greater Golden Horseshoe (2006), the Provincial Policy Statement (2014)" (Not sure if the PPS 2014 and GGH 2006 are typing errors or if the Region actually reviewed the applications to outdated versions of the PPS and GGH. The current PPS is dated 2020 and the GGH 2019.), "the Regional Official Plan, and public and agency consultation, the Regional staff is of the opinion that the Amendment is consistent with and aligns with Provincial and Regional policies and plans and, therefore, represents good planning".

In my opinion the reduction of the setback is not consistent with Provincial Policy Statement, 2020 (Pg 21) 1.6.8 Transportation and Infrastructure Corridors, sections 1.6.8.1, 1.6.8.2 or 1.6.8.3.

In addition, the Regional Official Plan, Amendment 6 states that "Transportation corridors and transit facilities play an integral role in the regional economy and the daily lives of Niagara's residents by supporting the movement of people and goods. As the region continues to grow, the need for new and expanded transportation corridors and transit facilities will emerge. To ensure that these corridors and facilities can be developed in a manner that helps achieve growth and employment goals without compromising existing and planned land uses, corridors must be protected." Reduction the set back from 90 to 30 meters is not consistent with the intent of protecting the HWY #3/Main Street Transportation corridor. This restricts available land for expansion of the corridor and has the potential to create impediments to traffic on the corridor at entrance points to the property.

In my opinion the reduction of the setback is also not consistent with the Region's Policies 9.D.1, 9.D.3, 9.D.13, and 9.D.14.

Actual applications with supporting detail have not been provided for review and there is no detail in the amendments or supporting documents with regards to or justification of how these amendments are consistent with the Provincial Policy Statement and Regional Policies to protect ground water. There is nothing in the amendments that provides details on mitigation measures against threats to the vulnerable aquifer ground water as identified by the

Niagara Region Planning Committee or the Niagara Peninsula Source Protection Authority in the February 17, 2020 Source Protection Program.

The Provincial Policy Statement, 2020 Pg 26 section 2.2 Water states that the Regional and Municipal Planning authorities shall protect, improve or restore the quality and quantity of water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features which are necessary for the ecological and hydrological integrity of the watershed. Allowing the expansion to be a Class 2 MAO means they will be conducting activities below the water table in the actual aquifer. In order for them to conduct these activities it is proposed that the water table in all the Pits will be reduced and maintained 16 meters below the existing 178 masl to 162 masl. That equates to over 10 million cubic meters of water being pumped out of the aquifer and kept out just for the expansion.

The actual application for the City's Comprehensive Zoning By-law 6575/30/18 Amendment was not provided so based on the proposed amendments it is concluded that the intent is:

- 1. To change the zoning of the subject lands from Agricultural (A) to Mineral Aggregate Operation (MAO),**
- 2. To reduce the minimum setback from a Provincial Highway from 90 metres to 30 metres.**
- 3. To add additional permitted uses to allow three existing residences to remain.**

Questions

Britney Fricke

Can you provide justification from a Regional perspective of how reducing the setback by 60 meters is protecting the established transportation corridor of HWY #3/Main Street and is consistent with the PPS 2020 and ROPA 6?

David Schulz

Have you had consultation with the Province with regards to this OP amendment and the protection of the HWY #3/Main Street corridor as required by ROP Amendment 6 Policy 9.D.13? Can you provide a copy of the Province's confirmation that this development will not predetermine or preclude the planning and/or implementation of provincial transportation/transit facilities?

Britney Fricke and David Schulz

How is this protecting or improving the quantity of the water resource? How is this preparing for the impacts of a changing climate to water resource systems at the watershed level? What measures is the Region and Municipality putting in place as require by the PPS to protect, improve or restore the vulnerable ground water of the aquifer? What practices for the efficient and sustainable use of the water from the aquifer is the Region and Municipality requiring PCQ to implement to conserve and sustain the quality of the water from the aquifer?

Respectfully submitted

[Redacted signature block]

[Redacted line]

[Redacted line]

[Redacted line]



2021-09-07

Regional Clerk, Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, Ontario L2V 4T7
Email clerk@niagararegion.ca

City Clerk, City of Port Colborne
66 Charlotte St.
Port Colborne, ON L3K 3C8
Email cityclerk@portcolborne.ca

Re: Regional Official Plan Amendment 20, Local Official Plan Amendment D09-02-21, and Zoning By-Law Amendment D14-09-21.

The objective of NWPA is to protect the water in the South Niagara (Onondaga) Aquifer, now, and for future generations. Port Colborne Quarries (PCQ) has asked for Category 2 licence (below water quarry) for their expansion of Pit #3.

The Amendment does not reference the intended method(s) of quarrying but simply references a change from Agricultural to Mineral Aggregate Operation.

The Appendices R S T on the PCQ website do not contain details of the wording of the Amendment. When, or where, does the public get to see the actual words that councillors will use to vote on the Amendment?

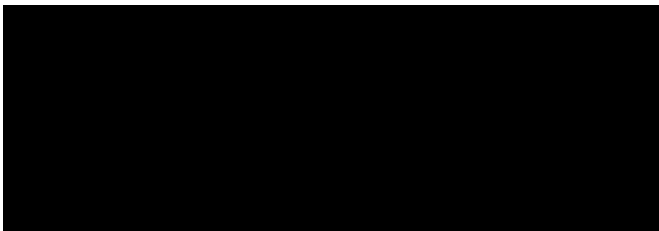
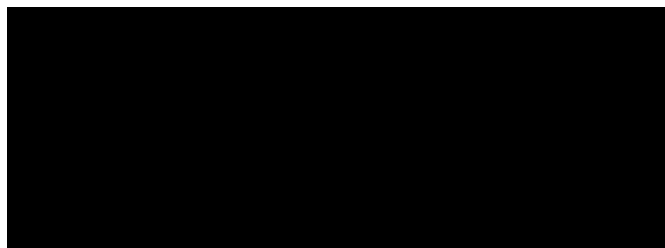
Do the “Site Notes” in Appendices R S T U V become part of the Amendment? Should I assume that because it is grouped with the other Appendices, it is meant to be used in some manner by decision makers? And if so, is it bound into the final legal document(s)?

I have attached the list of objections to items in the “site notes” that we want addressed.

Before any Amendment to rezone is approved, the councillors and the public should know what the Council is approving. With this in mind, the City of Port Colborne should handle the relevant items that have come before, and have been deferred, namely, they should not be voting on the PCQ rezoning amendment until they have completed their amendments to the OP and ZBL that impact the Mineral Aggregate Operations (MAO) zone. The City’s Planning Department submitted proposed amendments early this year, and then it was pulled from the Council Agenda because of a letter from LaFarge. The MAO zoning issues have gone on since 2017.

Also outstanding is the request for a Site Alteration Permit for Pit #1. What seemed to be a clear objective in 1982 to rehabilitate it into a passive recreational lake has been clouded by PCQ’s desire to backfill it. All matters of discrepancy of interpretation between what was negotiated with prior owners of the quarry and the current owner should be settled before the rezoning is approved. Once these outstanding issues are finalized, the zoning from Agricultural to Mineral Aggregate Operation can be approved.

Respectfully,

A large black rectangular redaction box covering the signature area.A large black rectangular redaction box covering the signature area.

GENERAL OPERATIONAL NOTES

11. Scrap: No **scrap** will be stored on-site but will be stored either in the Port Colborne Quarries Inc. **Pit 1** or within Licence 4444 (Pit 3).

NWPA comment: What is included in the definition of “scrap”? The wording implies that Pit 3 extension is a different quarry than Pit 1. Good quarrying practice should apply to the entire quarry and not just a part for which rezoning is requested. Scrap, in layman’s terms, includes anything from household garbage to clean construction waste. To put this type of scrap in Pit 1 is against the objective of NWPA to protect the water. If “scrap” is unusable quarried material then why can’t it stay in Pit 3? To reserve Pit 1 for storage of such material means the rehabilitation of it can be delayed for up to the life of Pit 3 extension.

12. Fuel Storage: Fuel storage will continue to be in the Port Colborne Quarries Inc. Pit 1. Portable equipment within the quarry (i.e., crushers, screeners, generators, etc.) will be refueled by a mobile fuel truck or equivalent and follow all applicable **Gasoline Handling Act** requirements.

NWPA comment: Does the Gasoline Handling Act also cover the handling of other fuels, such as diesel fuel?

15. Topsoil/Subsoil/Overburden Stripping:

- a) In advance of extraction, a sufficient area of topsoil, subsoil and overburden will be stripped to allow for approximately 2-3 years of extraction. The stripped topsoil, subsoil and overburden will be used for: i. Berm construction ii. Rehabilitation of final quarry slopes
- b) Topsoil or subsoil originating from the former Humberstone Speedway shall **not be removed** from the site.

NWPA comment: Much of the material is contaminated from decades of lax practices by speedway participants. It should be handled appropriately, offsite.

17. Quarry Side slopes: a) Quarry side slopes will vary from a maximum **2:1** slope and **increase** to **3:1 – 4:1** slope generally within those areas shown on the Plan.

NWPA comment: The slope should decrease from a maximum 1:2 to 1:3—1:4. (vertical:horizontal) This error has been pointed out to PCQ before and it is disturbing that it continues to show up in their documents.

b) The Licensee will create the side slopes by:

- i. Angled blasting,
- ii. Use of broken shale,
- iii. On-site overburden,
- iv. Clean inert fill may be **imported** to facilitate the establishment on the quarry faces of slopes as shown. The Licensee must ensure that the material is **tested at the source**, before it is deposited on-site, to ensure that the material meets the MOECC criteria under Table 1 of MOECP Soils, Groundwater and Sediment Standards for use under Part XV.1 of the Environmental Protection Act. Sampling results will be provided to MNRF upon request.

NWPA comment:Importation would set precedent for the same backfilling we object to for Pit 1, Therefore, we are opposed to importing fill. If there is insufficient overburden to complete the sloping then aggregate from quarrying should be used.

NWPA comment: Our opinion is that testing at source, and randomly at the quarry, is inadequate. There are too many opportunities for human error or manipulation and, therefore, contamination.

SEQUENTIAL EXTRACTION AND PROGRESSIVE REHABILITATION Phase 1A

g) Progressive Rehabilitation: As full extraction is progressively completed of portions of Phase 1A, the creation of sides slopes will begin. Side slopes will range from the steepest permitted by the ARA being **2(v) : 1(h) to a shallower slope of 4(v) : 1(h)** and will be designed generally as shown on the Final Rehabilitation Plan but subject to site conditions.

NWPA comment: same error as above in 17. The horizontal and vertical have been switched.

To create the side slopes,

- i) Angled blasting,
- ii) Broken shale,
- iii) On-site overburden,
- iv) Clean inert fill may be **imported** but the Licensee must ensure that the material is tested at the source before it is deposited on-site, to ensure that the material meets the MECP criteria under Table 1 of MECP's Soils, Groundwater and Sediment Standards for use under Part XV.1 of the Environmental Protection Act. Sampling results will be provided to MNRF upon request.

Phase 1B

Phase 2

Phase 3

NWPA comment:Same comment as stated at the end of 17 above.

Hydrological Study by Golder Associates Inc., dated October 2020

1. All monitoring requirements with respect to the quarry discharges and the receiving system will be regulated by the Industrial Sewage Works Environment Compliance Approval, (MECP) to be amended prior to the dewatering of Pit 3 Extension.
2. **The increased runoff under operational and rehabilitated conditions will be directed to the east and west branches of the Wignell drain, increasing the annual flows within these water features.**

NWPA comment: The water that accumulates in Pit 3 should be pumped to a rehabilitated passive lake in Pit 2.

Final Rehabilitation

4. Dewatering Pumps: Upon the completion of the quarry, the dewatering pumps will be removed, and the final land use is proposed to be a passive lake in conjunction with the Pit 3 lands, totaling +/-177 hectares.

NWPA comment: This is a very positive statement. Thank you!

Norman, Sean

From: Norman, Sean
Sent: Friday, March 3, 2023 2:18 PM
To: Norman, Sean
Subject: FW: Port Colborne Quarry Re: Regional Official Plan Amendment 20, Local Official Plan Amendment D09-02-21, and Zoning By-Law Amendment D14-09-21.

-----Original Message-----

[REDACTED]
Sent: Wednesday, September 08, 2021 9:46 PM
To: Clerks <clerk@niagararegion.ca>; cityclerk@portcolborne.ca
Subject: Port Colborne Quarry Re: Regional Official Plan Amendment 20, Local Official Plan Amendment D09-02-21, and Zoning By-Law Amendment D14-09-21.

Please!

As a fellow human on this planet. Stop thinking about money! How can you support a plan that will lead to the mass pollution of such an important body of water? It will compromise the safety as well-being of our future generations.

Don't be greedy. Please do not allow the quarry to expand or fill the pits with anything! Let nature reclaim what is left of the space. It's been ravaged enough.

Thank you
[REDACTED]

Norman, Sean

From: Norman, Sean
Sent: Friday, March 3, 2023 2:11 PM
To: Norman, Sean
Subject: FW: Questions regarding plan amendment D09-02-21

Sent: September 8, 2021 8:55 PM
To: David Schulz <David.Schulz@portcolborne.ca>
Subject: Questions regarding plan amendment D09-02-21

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good day David,

I only have one question regarding the Rankin Construction expanding and rezoning Part lot 17,18 and 19.

If they expand that's fine but what is happening with the other three sections/lots of quarry that they want to fill in, whether that be water or soil? Is this still happening and what was the final decision?

This actually goes hand in hand with expanding, as I, just like several residents within this area still only use well water as our primary residential water in our house.

I test my water every year to make sure that it is safe. How can Rankin Construction guarantee me that my water supply does not get terminated? If they keep expanding there are more risk of this happening.

I live on bed rock and it would be expensive for me to put in a cistern. Is Rankin Construction going to be paying for this is my well is not usable? My well has been kept up since the house we built in the early 60s. It would be a same to loose this all together.

Could you please respond in writing and I would also like Rankin Construction comment in writing on this matter.

Thank you kindly,

[REDACTED]

David Schulz

From: [REDACTED]
Sent: September 8, 2021 8:55 PM
To: David Schulz
Subject: Questions regarding plan amendment
D09-02-21

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good day David,

I only have one question regarding the Rankin Construction expanding and rezoning Part lot 17,18 and 19.

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This actually goes hand in hand with expanding, as I, just like several residents within this area still only use well water as our primary residential water in our house.

I test my water every year to make sure that it is safe. How can Rankin Construction guarantee me that my water supply does not get terminated? If they keep expanding there are more risk of this happening.

I live on bed rock and it would be expensive for me to put in a cistern. Is Rankin Construction going to be paying for this if my well is not usable? My well has been kept up since the house we built in the early 60s. It would be a shame to lose this all together.

Could you please respond in writing and I would also like Rankin Construction comment in writing on this matter.

Thank you kindly,

[REDACTED]

September 8, 2021

ATTENTION:

Britney Fricke, MCIP, RPP
Senior Planner
Regional Municipality of Niagara
1815 Sir Isaac Brock Way
Thorold, ON L2V 4T7

Email: Britney.fricke@niagararegion.ca

File No. ROPA-21-0001

And to:

David Schulz

Planner

City of Port Colborne, ON L3K 3C8

Email: david.schulz@portcolborne.ca

File No. D09-02-21 & D14-09-21

Dear Ms. Fricke and Mr. Schutz,

Re: the Online Open House- Proposed Regional Official Plan Amendment 20, the Local Official Plan amendment D09-02-21 & Zoning By-law Amendment D14-09-21 Port Colborne Quarry Expansion, City of Port Colborne

Please accept this as my comments and input regarding the proposed amendment to the Regional Official Plan (ROP) and the Port Colborne Official Plan (OP) and the Port Colborne Zoning By-Law 6575/30/18 (ZBL).

Please be further advised that I will also be submitting comments and input in accordance with the upcoming Statutory Public Meeting required by the Planning Act that will be held later. Please advise me of the date that this Statutory Public Meeting will be held. In addition, I am requesting that I be notified of any decisions made by both the Niagara Region and the City of Port Colborne on the proposed amendments and as such I will also make a written request to the Regional Clerk and the City Clerk as stated in the Public Notice.

First of all, in the Public Notice published on August 19, 2021 you make reference to File No. ROPA-21-0001 for providing input BUT if one wants to seek information on upcoming meetings that will be posted

on the Region's website you must look under ROPA-20 ! This is rather confusing for myself and the public, thus; I am unsure if this is a typo or a different file number. Please clarify.

First and foremost, the information provided via Port Colborne Quarries website appears to be incomplete as it is missing the OP amendment application, the application for the zoning amendment and the maps that are referenced for the Regional Official Plan and the City of Port Colborne Official Plan. So I am assuming that the purpose of this public meeting is to seek input regarding changes to a parcel of agricultural land to become a Mineral Aggregate Operations zone and that the "Special Policy Area" is to permit the proposed expansion of Pit 3 for the quarrying of aggregate stone (extending east to Miller Road). There is no map to explain and no clear wording or appendices to assist with clarification and understanding of the proposed amendments; therefore, I cannot support any proposed amendments without clear and concise information for myself and the public because we have no clear understanding. Also, if the public does not see the actual wording that councillors may be using to vote upon that is not a fair and just process. The public deserves the right to comment and assist in assuring that legislation, policies, best interests for the community, safety protocols and so on are followed. How else can citizens/the public and a large corporation work together for the betterment of our community if we do not have complete transparency and clarification.

For example, there is reference to an intended amendment to change from agricultural to Mineral Aggregate Operation but there is no mention of the intended methods of quarrying and how this process will occur. Do the 'site notes' in the Appendices RSTUV in the Port Colborne Quarries website (at the end of a long document) become part of the wording for a formal amendment or not for the decision makers? As you can see, I am not clear on this matter so how can we expect the public to become or feel they are adequately informed; and, this is perhaps even confusing for any council members who may be voting upon this very important matter. As such, both the public and council should know what council may approve or not approve.

In addition, since 2017 the citizens have brought before Port Colborne council requests to update and amend the Mineral Aggregate Operations zoning but this has not occurred repeatedly due to multiple deferrals. Therefore, should the Regional council be voting on this recent poorly worded rezoning amendment submitted by Port Colborne Quarries when the City of Port Colborne has not yet completed their amendments to their own Official plan and zoning by-law that directly impacts the Mineral Aggregate Operations (MAO) zone? Just earlier this past year the city of Port Colborne's Planning Department submitted proposed amendments and this came before council but was withdrawn from the agenda due to a letter from the Lafarge Corporation. (My understanding is that Lafarge had previously asked to be kept up to date and they were not; thus they submitted a letter inquiring why). This ongoing delay of the amending the city of Port Colborne's Mineral Aggregate Zoning by-law amendment has continued since 2017 and has not been resolved since 2017 and we ask WHY?

Another outstanding item with the City of Port Colborne and Port Colborne Quarries (hereinafter referred to as PCQ) is a request for a Site Alteration Permit for the depleted and unlicensed Pit 1. In the past, there was a clear objective in a 1982 agreement with the previous owners that PCQ inherited to have Pit 1 become a passive lake for rehabilitation and this would be compatible with the stated rehabilitation plans for Pit 2 to become a passive lake and the surrounding community which includes a combination of residences and small businesses (i.e. Tim Hortons, agricultural, and a gas station).

HOWEVER, since 1982 the city of Port Colborne has not addressed this concern. Now PCQ hopes to utilize Pit 1 as a place to dump 'inert fill' that cannot be tested properly and sufficiently well enough to ensure that there is absolutely no risk of contaminating the highly vulnerable aquifer due to Pit 1 having been dug at least 8 meters deep in to the aquifer. In addition, Pit 1 also contains an Area of Natural Scientific Interest (ANSI) on the west wall. Any other option, aside from Pit 1 becoming a passive lake would pose a significant risk of harm to the aquifer that serves to provide precious water to many residences, farmers, businesses etc for many miles that extends beyond South Niagara.

ALL the quarries (1, 2, and 3) operated by PCQ are mined below the ground water level in to the aquifer and this results in the highly vulnerable aquifer being placed at risk of contamination. The city of Port Colborne has the authority to ensure that Pit 1 is rehabilitated but has not done so since 1982!!! PCQ continues to utilize Pit 1 as the area that they process their product in to salable stone (crushing, washing, weighing, and filling trucks). PCQ has not rehabilitated Pit 2 because they use Pit 2 as a drive through from Pit 3 to Pit 1 to process the stone resulting in more dust, risk of contamination, use of fuel and resulting exhaust fumes etc. It is my understanding that PCQ refers to this as progressive rehab because of the continued use of miles of quarried land below the ground water level (a trench) that results in ongoing pumping of water from the aquifer to not only process the product but also to keep the quarry (pits) dry enough to drive/work within. PCQ just applied to have their Permits to Take Water (PTTWs) extended for another ten years while they continue to operate within Pit 3 and if approved in the extension of Pit 3 which will also be a below groundwater level quarry operation. PCQ, approximately, pumps nine (9) BILLION litres of water per year down the Wignell drain to Lake Erie (Note: which causes issues of silt and other concerns in the drain and Lorraine Bay area). IF PCQ's PTTWs were limited to three (3) years that would give PCQ plenty of time to relocate their processing equipment to Pit 3 and be out of Pit 1 and cease travel through Pit 2 and this would be a significant benefit to the environment and most of all a massive decrease in the risk of contamination of the aquifer coupled with less waste of good water being drawn from the aquifer. Let us not forget the miles and wear'n'tear on trucks and machinery that must travel the lengthy distance between the pits/quarries. Pits 1 and 2 could become passive lakes and PCQ could save money due to less travel between mining and processing. In addition, with innovative thinking forward the land surrounding the passive lakes could be utilized for waterfront recreation/hotel complex in partnership with the city, condos, or estate luxury homes. The city of Port Colborne has been good and beneficial to PCQ and in return they could work together to ensure the safety of the aquifer and benefit the community in many ways (i.e. housing growth, tourism destination etc).

But first and foremost is the protection of the aquifer from any risk of contamination for the future generations who depend upon this source of water. We have all experienced the risks posed by spills in the canal (city's intake zone of water) and toxins from blue-green algae. The aquifer could easily become a second source of water for the not only the city of Port Colborne but for at least the whole area of South Niagara. As such, the aquifer under the Onondaga Escarpment should be designated with "source water protection." Also, a complete and neutral full hydrogeological study of this aquifer/watershed should be completed so that we (of Niagara) will possess a complete understanding of this precious resource we need to protect for the future. After all, we don't want to end up like a Los Vegas or Phoenix, Arizona in the future if a disaster hits. If one does research about aquifers and the rehabilitation of quarries; you would learn that turning any quarry that is dug into an aquifer is best rehabilitated by becoming a passive lake. Yes, quarry operators have concerns about wildlife and

species at risk moving in over time next door to their quarry operations; however, working in conjunction with authorities this could become an amiable and beneficial relationship to each other. Research across the world indicates that if aquifers are protected that they could meet the needs of more than 1/3 of the world's population. We in Canada may be rich in water as a resource right now but this is not forever.

I am fully aware that my letter of comments has strayed from the purpose of the comments required but I strongly believe it is needed to gain a full understanding of what needs to be done to protect the aquifer, the drainage areas, the lake, and the surrounding areas. Plus, I trust that this can be accomplished. I am not seeking to stop the expansion of Pit 3's application but do want to see it done correctly, safely, and for the benefit of all involved and that means PCQ, the city itself, and the surrounding community. If the Region adheres to the Provincial Policy Statement 2020 and protects, enhances, and monitors our water resource system that also consists of ground water features and its hydrologic functions then the Niagara Region should support the limiting of the Permits to Take Water to only three years with the assurance that PCQ moves out of Pits 1 and 2 and allows them to become passive lakes. The Niagara Region should stipulate that the pumps in Pits 1 and 2 shut off within 3 years and this would result in less drawdown of the water in our precious vulnerable aquifer and the Niagara Region needs to ensure a monitoring system that would ensure our water is being monitored and protected by an independent contractor and not self-monitored by PCQ.

The best case scenario would be to have an independent company to do a complete and thorough hydrogeological study of the aquifer and the watershed so that this valuable water resource system is fully understood and valued once and for all with the identification as a source water protection designation.

Early on in the process when PCQ initially submitted their application for the extension of Pit 3 to grow east to Miller Road; it was asked that a Public Liaison Committee be struck to work along with JART committee to provide input; however, this has not yet happened. A call for volunteers was posted on the city's website this summer but there was no description of what a JART-PLC committee would be. As such, the members of the community had no idea what they could even apply to be part of!

Furthermore, when PCQ initially proposed to seek a site alteration plan to fill Pit 1 with so called "inert fill" there was discussion in council and a request by council that a 'peer review study' would be completed in regards to the consultant studies/proposal put forth to council by PCQ, IBI group and Golder Associates BUT that too never materialized. As a result, a community group called, Niagara Water Protection Alliance (NWPAA) raised funds to have a review completed, by Eco-Metrix, regarding the highly vulnerable aquifer and the risks/benefits of this aquifer. In addition NWPAA also raised funds to have some test wells analysed to monitor the quality water within the aquifer. NWPAA along with the citizens have put forth a great effort and interest to ensure that the aquifer can be protected and utilized for future generations and this information has been shared with the city and other ministries/departments (i.e. NPCA, City of Port Colborne, MECP and MNRF).

The citizens of Port Colborne and NWPAA do understand the need for an aggregate industry and do not want to prevent the extension of Pit 3 BUT do want to ensure that the aquifer is protected and that the surrounding community has a transparent and beneficial relationship with PCQ, the Region, and the City

of Port Colborne in order to move forward with trust and workable solutions to situations that may arise.

There should be no storage of any type of fuel within a quarry/pit that is dug below the groundwater level or have the potential to leak down towards the aquifer. So, I ask does the "Gasoline Handling Act, also cover diesel, brake fluid, lubricants, etc? As these types of products should be stored off site and not be of risk to the aquifer or surrounding wetlands, woodlots or municipal drain/watercourse.

No scrap should be stored in any Pit/Quarry that is dug in to the aquifer. There should be a definition of what "scrap" means for the purposes of this application to amend the OP and ROP or any other amendments to the zoning or operations of PCQ's activities. No scrap should be stored near a wetland, woodlot, or municipal drain/watercourse.

The lands that contain the area of the Humberstone Speedway should not be utilized within the quarry site as a berms or any other kind of sloping etc due to the very high risk of contamination that is most likely present due to the activities over the many decades of the operations of this speedway/racetrack due to negligence or ignorance of past activities. The removal of any soils from the Humberstone Speedway site should be dealt with in an appropriate manner; such as, removal to an offsite and suitable site for contaminated soils/dirt or left there and contained so that it poses no risk to the aquifer or any adjacent waterways.

The sloping of any quarry/pit should only be done with materials derived from the quarry/pit site and it should be definitely not contaminated by any means. Such as, using only overburden from clean areas or rock/stone that is already on site.

Imported soils should not be utilized because the risk of source site and random testing of such soils leaves too many gaps for human error that could place the aquifer or adjacent waterways/drains at risk of contamination. For example, Sherkston Quarry that is a recreational site filled quickly many decades ago and had no sloping; thus, no risk of contamination and is now a safe area for non-motorized water craft and swimming (note: one side was sloped with clean beach sand to create an area for sun bathers). The quarry in Sherkston Resort is a significant tourist destination. Let us face reality, the City of Port Colborne is limited in their recreational spaces and natural areas (ie Nickel Beach is owned by Vale, Humberstone Park in the Gasline area is often too smelly to tolerate in late summer and the various beautiful road allowances are overcrowded and often unsafe for swimming etc.). Port Colborne has limited space for visitors to have a stay vacation at an affordable hotel/campground. We need to think outside of the box as to the potential that these depleted quarries could become for Port Colborne and the potential for alternative profits that PCQ could acquire in the future and improve their image/diversify.

The wetland and woodlot near the Pit 3 expansion area should be protected to the fullest extent and once again could be used for various purposes, such as hiking nature trails, scientific studies in conjunction with colleges and other schools, or community nature groups. Wetlands and woodlots do clean water, collect water, prevent flooding, create wildlife habitats, could become a donated area of study, managed by NPCA etc. The uses and benefits of a neighbouring wetland/woodlot area are endless and could in the long run be a great asset to the image of PCQ. As such, a substantial buffer

zone would be best practice for this area to be protected. Perhaps PCQ could acquire grants or funding to enhance this wetland/woodlot area rather than harming it.

The reduction of the buffer zone between the boundaries of the quarry working area and Highway 3 should not be reduced for the sake of mining additional rock/stone. This limits the potential to widen the highway and poses risks to neighbours and traffic by such things as fly rock and blasting vibrations. In addition, dust and other exhaust pollution would be too close to traffic and the public who would traverse along this stretch of highway.

Aquifers have a recharge area in which they collect water but they also do discharge in to streams, drains, rivers, wetlands, and lakes. Therefore, aquifers are an integral part of our whole ecosystem and provide benefits in many ways. Excessive pumping to keep quarries dry to work within, such as Pits 1 and 2 are examples of excessive runoff to the lake from pumping via the permits to take water (PTTWs) and this results in issues in the Lorraine Bay area. The silt and excessive run off from PTTWs results in the overgrowth of what people refer to as ‘pig weed’ and when this dies off it results in stinky beaches and waters; coupled with dead zones for fish habitat etc. A solution to this would be to quickly allow pits 1 & 2 to become rehabilitated passive lakes and to pump the excess water from Pit 3 and its future expansion directly in to Pits 1 & 2 so they can fill with aquifer water and not have it run down Wignell drain to the lake! A reasonable time frame to relocate the stone crushers, scales, etc to Pit 3 could be within 3 years (and not ten to fifth teen years). This could be cost saving for PCQ and they could be considered an innovative company who can do rehabilitation in an innovative manner and be a good example for their industry. I have read in literature that some aggregate companies fear attracting species at risk to areas that are rehabilitated in to passive lakes and/or wetlands but I have also read that these aggregate companies that work in concert with government agencies and nature groups have been highly successful in building working relationships while they operate side by side with such circumstances and can actually achieve grants and tax benefits. If details were in the amendments then it would be easier to understand how PCQ plans to mitigate harm to the ground water and protect the groundwater aquifer and also be in compliance with the Provincial Policy Statement 2020 and the Regional policies too. How would the Region ensure these policies will be met ?

It is unclear whether these amendments meet the Provincial Policy Statement of 2014 or the more recent Provincial Policy Statement of 2020 so how can they be considered consistent with good planning?

The Niagara Region has policies regarding the protection of Transportation Corridors but how can lessening the buffer zone between a working quarry and Hwy 3 actually protect the provincial highway, such as it leaves no room for expansion/widening of the highway and puts vehicles/people at greater risk. If Port Colborne wants to grow then how would a highway that directly connects to the USA border support traffic if it cannot be widened or if housing developments occur between highway 3 and Killaly Street occur – how would a narrow highway #3 benefit a growing city if the buffer zone is limited to 30 meters instead of 90 meters? After all, the city of Port Colborne has barely any room to expand on the west side so it is the east side that would need to grow and if the highway remains narrowed by a buffer zone then it cannot accommodate extra lanes etc (even with extra truck traffic from the quarry).

PCQ has requested a Category 2 licence (below water table quarry) for the expansion of Pit 3 towards the east near Miller Road. The PCQ website does not provide details regarding the wording of 'amendment' and this leaves doubts and a lack of trust in those who have many questions about what is actually meant. How can councillor members vote with a lack of information and how can the public feel assured no harm will come to the aquifer and the water that we depend upon now and in the future for our livelihood and the sustainability of our eco-system. Especially, with climate change happening rapidly and shallow Lake Erie is warming too quickly and putting that water at risk of being unsafe (for drinking etc/ blue green algae, spills).

The PCQ amendment does not describe or provide details regarding the method(s) of quarrying but basically just references a change from Agricultural zoning to Mineral Aggregate Zoning and again this does not allow for any informed decision making. The public does not know how or when they will actually have access to the wording of that council members will vote on!

There are many decisions coming before the city of Port Colborne council and the Regional council and there is a paucity of information available them from PCQ which leaves to many unanswered questions for both our elected representatives and the public. Firstly, at the city of Port Colborne they should have dealt with the their own amendments to the Official Plan and Zoning by-laws that relate to the Mineral Aggregate Operations as this has not been dealt with since 2017. The city of Port Colborne cannot restrict the depth of quarry below the water table but they certainly can restrict what types of activities can happen below the water table in a quarry and it is my hope that they do not allow any risk of contamination of the aquifer to occur (i.e. imported soil or scrap).

The Wignell drain and its branches is a big issue for council of Port Colborne and is directly related to the activities of PCQ and now this application for the expansion of Pit/quarry 3 by PCQ is before the council of Port Colborne and it is a lot to learn about in order to ask the right questions and make the correct decisions.

The PCQ website seems to be missing some appendices and maps that would help to understand their proposal so perhaps this is not the time to host a public meeting as people do not have all the information at hand to best understand this proposal. And I am not too sure where the "special policy area" is located either and the description is poor. This PCQ website needs to provide more details and indicate clearly where they have made any updates or changes so that any council members or public citizens can quickly identify the changes and/or alterations to this proposal.

I am further baffled as to a recent notice published by the Niagara Region in which they are seeking further comments regarding the Niagara Official plan "Further Draft Policy Development (PDS 32=2021)" that is seeking comments by October 1, 2021 (after the PCQ public meeting). And I quote: "This report provides Executive Overviews and draft policies for additional sections of the new Plan, including source water protection, excess soil, petroleum and mineral resources, and performance indicators and monitoring." All of these key words in the quote are directly related to the comments I have made in this letter and the PCQ application/amendments for the expansion of Pit/Quarry 3,. Would these comments and/or report be made available prior the Statutory Public meeting required by the Planning Act as they would be significant to this public meeting?

I would like to thank you in advance for reading my lengthy comments for this public meeting and I look forward to hearing from you in the near future.

Respectfully submitted,

[REDACTED]

[REDACTED]

[REDACTED]

Norman, Sean

From: Norman, Sean
Sent: Friday, March 3, 2023 2:45 PM
To: Norman, Sean
Subject: RE: Letter re OPA 20, LOPA D09-02-21, ZBLA D14-09-21 Sent 2021-09-07.pdf

Sent: Thursday, September 09, 2021 3:58 PM
To: Clerks <clerk@niagararegion.ca>; cityclerk@portcolborne.ca
Subject: Letter re OPA 20, LOPA D09-02-21, ZBLA D14-09-21 Sent 2021-09-07.pdf

Question. Why do I have to ask for clean water to drink for me and my family? Why aren't there powers protecting our resource and keeping residents safe from big businesses? I thought that was a no brainer! How much is our health worth? As a father the answer is easy. I moved here to Port Colborne in 1977, bought a little house on 2nd concession, bored a new well and, yes, the water is hard, but no smells or odours and we've used it for years. Now some days I can't breathe in my house, but the funny thing is that it's not everyday. I had to stay home last winter because of Covid and the water was fine most of the winter. Come this spring, when they started up, the smell came back and has never went away. Neighbors said that they are blasting again and washing gravel to get a better price. I had to put filters on the well and buy water valves for the toilet keeping 3 on stock. The smell is so bad that I put a large charcoal filter in line but I don't know how long before I need a new one. I am now drinking water off the roof because I don't trust the water from the well. I talked to a water company in the area and they told me to not even water the plants outside with it. They said that my best option was to buy a cistern because to fix the water would cost me over \$10,000.00 in equipment and filters and that in his opinion the quarry has messed up all the water in my area. I understand they asking for more area to excavate and I can understand the need for it but they can't forget their responsibilities that were agreed to especially to pit one. Big business keeps asking for more but shy away from their responsibilities using the issues of jobs and money for the area to get away from it. Please think of us when you vote. Thank you for listening.

Sent from my iPhone

Norman, Sean

From: [REDACTED]
Sent: Thursday, September 9, 2021 8:30 AM
To: Fricke, Britney
Subject: Re: Reminder: Virtual Open House for Port Colborne Quarry Expansion starts in 1 day

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Britney:

Just a few concerns.

There appears to be information missing that should have been included by PCQ for this public format.

There also is a concern when accessing information that could become confusing for some with respect to a referenced report number.

It appears that the cart is being put before the horse. Should Regional Council be discussing, let alone voting on this given the following?

Again the information provided to Port Colborne City Council by Port Colborne Quarries for discussion and approval purposes is incomplete and frankly lacked editing / proofreading before it was submitted as it is insufficiently worded and incomplete.

Most importantly:

Port Colborne City Council has not completed its discussions with respect to updating and amending the Mineral Aggregate Operations Zoning due to several deferrals. Most recently as it was taken off of the agenda a few months ago due to a letter that was sent from LaFarge. The reason being that they had previously requested to be included in any communications regarding this subject and the City failed to do so.

On Sep 8, 2021, at 6:13 PM, Zoom <no-reply@zoom.us> wrote:

Hi [REDACTED]

This is a reminder that "Virtual Open House: Port Colborne Quarry Expansion" will begin in 1 day on:
Date Time: Sep 9, 2021 06:00 PM Eastern Time (US and Canada)

Join from a PC, Mac, iPad, iPhone or Android device:

[Click Here to Join](#)

Note: This link should not be shared with others; it is unique to you.

[Add to Calendar](#) [Add to Google Calendar](#) [Add to Yahoo Calendar](#)

Or join by phone:

Canada: +1 204 272 7920 or +1 438 809 7799 or +1 587 328 1099 or +1 647 374 4685 or +1 647 558 0588

Webinar ID: 859 5806 3514

International numbers available: <https://us06web.zoom.us/j/85958063514>

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Norman, Sean

From: Norman, Sean
Sent: Friday, March 3, 2023 2:39 PM
To: Norman, Sean
Subject: FW: Amendment For PCQ

From: [REDACTED]
Sent: Thursday, September 09, 2021 2:54 PM
To: Clerks <clerk@niagararegion.ca>
Cc: cityclerk@portcolborne.ca; nwpa411@gmail.com
Subject: Amendment For PCQ

RE: Regional Official Plan Amendment 20, Local Official Plan Amendment D09-02-21 and Zoning By-Law Amendment D14-09-21

To whom it may concern: I have concerns with this application as to how Port Colborne Quarries is going to be monitored as to all the aspects put forward in this amendment.

1. Is Port Colborne Quarries going to supply water to the people who have their wells go dry?
2. Why is the quarry allowed to blast when there are heavy winds? Last summer the quarry blasted with a heavy northeast wind and the dust from the blast came over highway 3 and all the houses on the south side of it.
3. Why is the berms around the property not maintained. (eg. Grass cut)
4. I worked at the quarry when it was owned by C.S.L. (Canada Steamship Lines) and trees were planted on the north side of Pit #1 & Pit #2 as well as the east side of Pit # 2. The grass was also kept cut on all these areas as well. After C.S.L sold the quarry to Ontario Stone Corporation, the maintaining of the property was cut out.
Am I to assume that this is the way it is going to stay? When the quarry purchased the land where current Pit #3 is there were certain conditions attached to the rezoning for extraction of the stone, and that was the previous pits had to be rehabilitated to passive lakes. There were two artists concepts hanging on the wall in the main office. Whether they are still there or not I do not know.
5. When Pit #2 was quarried to Babion Road and to the southern boundary, the house at 1540 Babion Road lost their water. The Quarry paid for putting in a cistern and water supply.

Norman, Sean

From: Norman, Sean
Sent: Friday, March 3, 2023 2:42 PM
To: Norman, Sean
Subject: FW: Proposed Regional Official Plan Amendment 20

Sent: Wednesday, 08 September 2021 12:32:17 (UTC-05:00) Eastern Time (US & Canada)

To: Clerks

Subject: Proposed Regional Official Plan Amendment 20



Regional Clerk
66 Charlotte Street
Port Colborne, ON L3K
3C8 Niagara Region
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

City Clerk
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Britney Fricke, MCIP, RFP

Senior Planner

Niagara Region

1815 Sir Isaac Brock Way

Thorold, ON L2V 4T7

David Schultz

Planner

City of Port Colborne

66 Charlotte Street

Port Colborne, ON L3K 3C8

Re: Proposed Regional Official Plan Amendment 20, Local Official Plan Amendment D09-02-21 & Zoning By-law Amendment D 14-09-21, Port Colborne Quarry Expansion, City of Port Colborne

I am a property owner and taxpayer whose property will be affected by the proposed Amendments. As such, I wish to make the following comments for consideration during this process. I also wish to preserve my right as an affected party to appeal the decision of the Council of the Regional Municipality of Niagara or the Council of the city of Port Colborne to the Ontario Land Tribunal.

I object to the proposed plan to reduce the current setback from a Provincial Highway from 90 meters to 30 meters. Previous decision-makers have found the establishment of a 90 meter setback to have been in the public interest, yet that public interest is carelessly thrown aside, without explanation or justification. A 90 meter setback protects the users of the Provincial Highway from the dangers of explosive blasting, noise, and dust and those protections should not be vacated without justification from the Applicant(s) that the reduction would be in the public interest. A generous setback is also important to the safety of quarry workers whose safety may be compromised through radio interference from passing traffic.

The proposal as presented does not demonstrate how the public interest in the conversion of Pit One into a public park (as promised by previous owners of the quarry) will be protected.

I object to the request by Port Colborne Quarry to include a Category 2 license as part of their proposed development, since that category would allow them to quarry below the existing water quarry. I see that as posing a significant danger to the South Niagara Aquifer. Were that aquifer to be compromised, the liability would exceed the ability of even a large

corporation like Port Colborne Quarry to meet. The result of such a compromise would ultimately fall upon the citizens of Port Colborne and the Niagara region as a whole.

I object the to “rush to judgment” being exercised, here. The City of Port Colborne has before it proposed amendments to the Mineral Aggregate Operations zone. Those amendments need to be dealt with before the City proceeds with this action; otherwise, it will not be clear what effect those decisions will have on this application.

Also outstanding is the request for a Site Alteration Permit for Pit Number One. In 1982, an agreement with the then-owners of the Pit clearly indicated that the pit, once no longer useful as a quarry, was to be converted to a passive recreational lake for the enjoyment of the area’s citizenry. Years worth of good will was generated by that promise. Now that the promise is due, the current owners seek to renege on their promise, turning the exhausted Pit One not into a public recreation area, of benefit to all of the area’s citizenry, but into a dumping site for a variety of exhausted building materials, giving benefit solely to Port Colborne Quarries, while threatening the health of the South Niagara Aquifer below Pit One.

Most respectfully submitted,

[REDACTED]

September 9, 2021

Britney Fricke, MCIP, RPP
Senior Planner
Regional Municipality of Niagara
1815 Sir Isaac Brock Way,
Thorold, Ontario L2V 4T7
Phone: 905-980-6000 ext. 3432
Email: Britney.fricke@niagararegion.ca
File Number ROPA-21-0001

David Schulz
Planner
City of Port Colborne
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Port Colborne, Ontario L3K 3C8
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Email: David.Schulz@portcolborne.ca
File Number: D09-02-21 & D14-09-21

Re:
Proposed Regional Official Plan Amendment 20,
Local Official Plan Amendment D09-02—21
Local Zoning By-law Amendment D14-09-21
Port Colborne Quarry Expansion

Dear Ms. Fricke and Mr. Schulz,
Thank you for the opportunity to provide input into the proposed amendments requested by Port Colborne Quarries (PCQ), for part Lot 17, 18 and 19 in Port Colborne, formerly Humberstone Township.

I have previously provided to you the comments I made to the MNRF (now MNDMNRF), and I would request that these be considered as part of my comments on the proposed OP and ZBL amendments.

Since I have been an abutting property owner to PCQ for 47 years, I have first-hand experience with this quarrying operation. I was involved in the licencing process for Licence 4444 in the period 1980 – 1982. I have a copy of Report DPD 1489 written at that time by the Region of Niagara Commissioner of Planning, with the reluctant agreement to the then proposed rezoning based on several agreements by the quarry owners. A copy of the report is attached with this letter. Among the reasons for Regional agreement for OP amendment was that the disturbance to the sensitive receptors (adjacent residential properties) was that the projected time frame was only estimated by PCQ to be two (2) years (highlighted), with rehabilitation to follow immediately thereafter. If you have not yet done so, I would ask that you visit the site of Pit 2 today, and make your own assessment of the state of rehabilitation of Pit 2 and the remainder of the depleted site.

In my opinion, the progress of the quarrying, and the conditions imposed on the process, must be assessed for conformance on a regular basis. In order to ensure that no additional quarrying progresses if conformance is not achieved, rezoning and OP amendments should be restricted to only a land area required for a measurable time, such as 5 – 10 years. In the case of this expansion proposal, the estimate for the total quarrying site is 40 + years, so the rezoning should only apply for ¼ to 1/8 of the site, or 15 to 20 ha. If compliance is not achieved, no further rezoning should be considered until conditions are met.

Whilst the depth of quarrying is not under the jurisdiction of the Municipalities, the amendments to the OP and ZBL are able to identify what uses besides quarrying are

permitted or prohibited on the site. These include prohibition of asphalt and cement manufacturing or recycling, site alteration, etc.

The City of Port Colborne has over the last 4 years been in the process of updating their OP and ZBL with respect to the Mineral Aggregate Operations (MAO) zone. They are also in the process of updating the Site Alteration ByLaw. The Interim Control ByLaw (ICBL) for MAO zone was passed in April of 2018, and has not yet been incorporated in the OP and ZBL. Consideration of amendments to incomplete bylaws is “putting the cart before the horse”. The City had OP and ZBL amendments before Council recently, specific to MAO zoning. These amendments made great progress in protection of the aquifer. However, the Reports, and proposed amendments were pulled from the agenda, and have not yet been brought forward. Without these in place, amendments for a specific site, include the application by PCQ, are premature.

Respectfully,

A black rectangular redaction box covering the signature and name of the official.

Niagara

DPD 1553
May 12, 1982

Files: QU
RE-am-10

Report to: Mr. Bell, Chairman, and Members of
Planning and Development Committee

Mr. Campbell, Chairman, and Members of
Niagara Regional Council

Councillors:

Quarry License Application
Expansion of Port Colborne Quarries Ltd.
City of Port Colborne

The Regional Municipality of Niagara has been requested by the Ministry of Natural Resources to submit comments on the proposed licensing of a 12.8 hectare (about 32 acres) expansion by Port Colborne Quarries Ltd. in the City of Port Colborne. The site located north of Highway No. 3 and east of Snider Road is shown on the location map appearing on page 2 of this report.

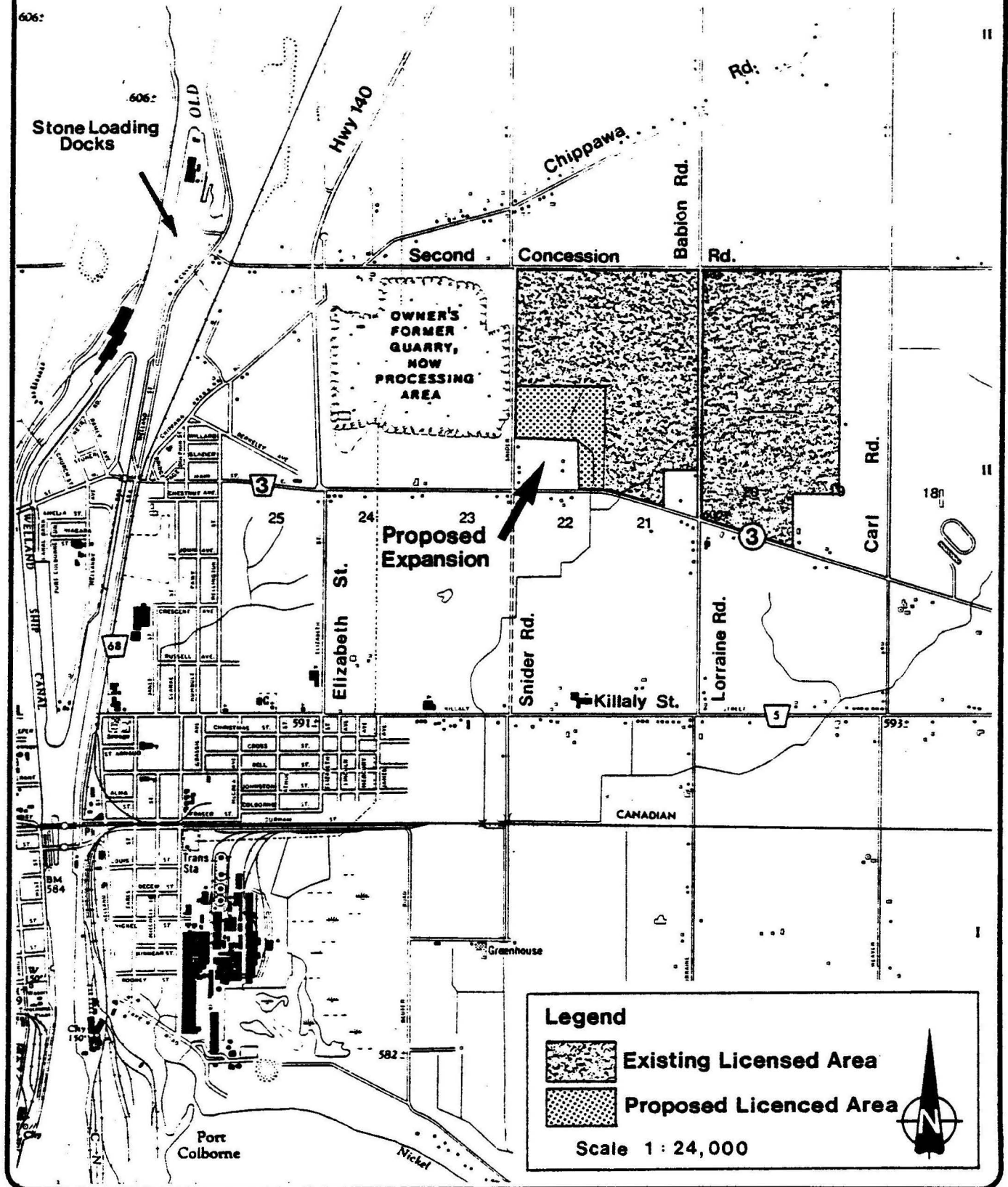
Regional Niagara has previously reviewed this application primarily through Report DPD 1489 (see Appendix 1) which recommended the approval of Policy Plan Amendment No. 10 permitting the quarry expansion. Regional Council adopted this amendment on March 18, 1982. The Ministry of Municipal Affairs and Housing now is circulating the Amendment for comments before deciding on final approval.

Background Information

The history associated with this application is described in detail in Report DPD 1489 attached on the Policy Plan amendment. There has been public discussions at both the local and Regional levels to determine both if the quarry should expand and how any adverse potential impacts may be reduced. Concerns related to noise and vibration, dust, truck traffic, loss of groundwater, effects on surface runoff and rehabilitation have been identified as some of the major issues associated with the operation.

Regional Niagara carefully considered the above issues and amended the Policy Plan with the understanding that the proposed license would incorporate suitable conditions to protect surrounding residents. The proposed expansion of Port Colborne Quarries Ltd. has been viewed as a relatively minor extension to its existing licensed area.

Port Colborne Quarries Ltd. — Proposed Expansion City of Port Colborne



The City of Port Colborne has been attempting to resolve a series of issues related to the past, present and future operations of the quarry before giving favourable consideration not only to the proposed local and Regional planning amendments but also to the present license application. After approximately two years of negotiation between the City and the Quarry, a comprehensive site plan agreement was jointly signed on February 4, 1982. A copy of this agreement, including four site plan schedules, is attached to this report as Appendix 2. It is understood that the City of Port Colborne wishes to register this agreement on title, and also intends to have it incorporated as part of the Quarry's license conditions.

The signed site plan agreement pertains to all land holdings of Port Colborne Quarries. A review of these conditions has been of assistance in formulating appropriate revisions to include on the license application now under review. The conditions as agreed to by the City and the Quarry are highlighted below:

- a 300 foot buffer zone on lands north of Highway No. 3,
- grassed berms and landscaping screens within buffer zones to be completed according to a schedule,
- a 5 foot high steel fence around the site,
- principal point of ingress/egress to remain at present location (optional secondary access point at Highway No. 3),
- road resurfacing and ditching program along Second Concession Road,
- compensation to affected parties for costs of providing temporary water supply where appropriate,
- blasting program according to fixed schedule and subject to provincial regulations,
- drainage study to determine effects of dewatering on Wignell Drain,
- possible rehabilitation program comprising a passive recreational lake, and
- City has the right to complete agreed work program at Quarry's expense if Quarry fails to do it.

Regional Niagara has approved a Policy Plan Amendment for the quarry expansion. Now there is an opportunity to provide detailed comments to the Ministry of Natural Resources on the license application under The Pits and Quarries Control Act, 1971. In addition to the Region's comments, the City of Port Colborne, other government ministries and public agencies will also be submitting their comments to the Ministry of Natural Resources as part of the normal licensing procedure.

The Proposal

Port Colborne Quarries Ltd. was issued a license to quarry some 128 hectares (about 320 acres) of land in 1974. According to the Regional Municipality of Niagara Survey of Aggregate Producers in 1980 they have produced an average of about 1.35 million tons of stone per year, most of which is sold on the United States market.

Most of the licensed area located west of Babion Road has been quarried. However, a 68 hectare (about 170 acres) licensed area located east of Babion Road has yet to be quarried. Until such time as this existing licensed area can be brought into production, the Quarry proposes to expand further onto the contiguous 12.8 hectare parcel to provide the company with an interim supply of stone. According to the Quarry the proposed expansion will add about 2 to 3 years to the existing 18 years of supply already licensed.

As noted on the site plans attached as Appendix 3, the extraction sequence will be from east to west in a series of three lifts to a depth of between 50 and 55 feet. As the aggregate is removed it will be trucked along internal haulage roads to the existing processing plant located east of Highway No. 140 on a former quarry site now fully extracted.

Fencing, berming and landscaping is proposed around the perimeter of the site and upon completion of extraction the quarry will be backfilled and sloped at a 2:1 gradient.(1)

The eventual end use of the quarry is for passive, water-related recreation purposes but this will not occur for perhaps 20 years until the material east of Babion Road has been mined out.

Comments on the License Application

Five major areas have been identified in the review of this license application deserving of further comment.

- A. Compliance with Local and Regional Planning Documents,
- B. Noise and Ground Vibration,
- C. Surface Water and Ground Water

(1) Mathematically-speaking, a 2:1 slope means that the sloping banks extend 1 foot horizontally and 2 feet vertically. A 1:2 slope is less steep than a 2:1 slope.

D. Traffic, and

E. Rehabilitation.

This review has led to a number of recommendations as set out in the following pages which should be attached to the site plans as conditions to any license issued to Port Colborne Quarries Ltd.

A. Compliance with Local and Regional Planning Documents

The license site plans (refer to drawing entitled Existing Conditions 2 in Appendix 3) indicate that the proposed extraction area is, in its entirety, properly designated and zoned in local and Regional planning documents for extractive use. Although the City of Port Colborne and Regional Niagara have approved the necessary amendments to permit extraction, final approval has not yet been granted by the Province. Therefore, it is recommended:

1. That the Ministry of Natural Resources delete, or at least disregard, any reference on the site plans to the entire subject property's compliance with local and Regional planning documents until such time as appropriate Provincial approvals are given.

Under the terms of The Pits and Quarries Control Act, 1971, no license will be issued for areas where extractive activity contravenes a municipal official plan or by-law. Therefore, it is recommended that:

2. Subject to compliance with other conditions, a license only be issued to Port Colborne Quarries Ltd. after formal Provincial approval is given to the relevant local and Regional planning amendments.

As noted earlier, it is understood that the City of Port Colborne intended to incorporate the terms and conditions contained in their comprehensive site plan agreement as part of the quarry license. The City also agreed to amend its Official Plan and pass a zoning by-law to permit extraction on the site. As this agreement sets out a number of worthwhile conditions to help reduce the adverse impacts of the quarry operation, it is recommended:

3. That the site plan agreement between the City of Port Colborne and Port Colborne Quarries Ltd., including its four attached schedules, dated February 4, 1982, be included as an integral part of the site plans for license.

One side issue related to the above site plan agreement deserves some comment. The agreement noted above indicates that the buffer zones and grassed berms should be completed within a 6 to 12 month period after overburden has been removed from the site. Theoretically, this might allow extraction to occur while the berm is being constructed. The license site plans (Appendix 3) on the other hand indicate that the berms are to be constructed and grassed prior to extraction. Since the berm has some visual screening and noise attenuation benefits it is recommended:

4. That all berms be constructed and grassed prior to any extraction on this site.

The Noise Pollution Control Section of the Ministry of Environment also indicated support for this condition.

B. Noise and Ground Vibration

Noise, ground vibration and flyrock created as a result of quarrying operations, particularly from blasting, is of concern to surrounding residents. The Noise Pollution Control Section of the Ministry of Environment has evaluated the proposed application with respect to sound and vibration and recommended the following measures be taken:

- "1. Before any extraction commences from the new land extension the earth berms referred to in Drawing titled "Operation and Rehabilitation Sequence 3", must be constructed.
2. Weather conditions should be ascertained prior to all blasting to avoid inversion conditions; and consider wind speed and direction.
3. Every blast shall be monitored in the area of the nearest homes, and in the event of complaints, at the homes of the complainants.

All records of the sound and vibration levels measured shall be kept on file for the Ministry of Environment inspection if necessary.

4. All blasting patterns shall be designed so that the resultant sound and vibration levels do not exceed the guidelines of the Ministry of the Environment as stated in the Model Municipal Noise Control By-Law, Final Report, August 1978.

5. The company should be prepared to adopt quieter rotary drills, as opposed to the impulsive type, if the drilling operation proves to elevate sound levels more than 5 dB above the present background level at the nearest home." (2)

The Ministry of Environment gave their consent to Regional Policy Plan Amendment No. 10 subject to the above conditions. The above measures should therefore be incorporated in the license.

In addition Port Colborne Quarries Ltd. agreed in the past to undertake the following measures:

- the use of sequential blasting techniques.
- the acquisition and use of noise monitoring equipment to measure noise and vibration from the blasting operations to ensure that Ministry noise standards are adhered to.

While some of the measures set out in the agreement between the City and the Quarry will help reduce problems associated with blasting, the additional precautions taken by the Quarry and those measures recommended above by the Ministry of Environment should be of further assistance. Therefore, it is recommended:

5. That the Ministry of Natural Resources attach all appropriate provisions for controlling noise and ground vibration on a license as recommended by the Ministry of Environment and furthermore that the protective measures noted above which were previously agreed to by Port Colborne Quarries Ltd. also be included as additional conditions to the license.

C. Surface Water and Ground Water

The stripping of overburden, constructing of berms, extraction of aggregate deposits, and pumping of water from the quarry to maintain operations, will interfere with

(2) Letter from L. G. Kende, Head, Acoustical Standards Unit, Noise Pollution Control Section, Ministry of Environment, November 3, 1981.

both surface water and ground water regimes in the area surrounding Port Colborne Quarries. The Water Resources Assessment Section of the Ministry of Environment concluded that further expansion of the quarry operation will likely increase the zone of well water interference and therefore recommended a hydrogeological monitoring study prior to expansion. In the Ministry's estimation,

"this would allow an opportunity for the company to modify either the wells or pumping systems so as to prevent well failures". (3)

Port Colborne Quarries had given some previous indication that they would carry out this study. Therefore, it is recommended:

6. That a groundwater monitoring program be established and maintained to the satisfaction of the Ministry of Environment to identify private water supplies which are likely to be affected as a result of further expansion by Port Colborne Quarries Ltd.

The Niagara Peninsula Conservation Authority and the City of Port Colborne have expressed some concerns related to periodic flooding and water quality in the Wignell Drain. One of the activities that supposedly has contributed to these problems has been water discharge by pumping from the quarry floor. The Quarry has agreed to undertake an independent drainage study to determine the effects of dewatering upon water quality and quantity and the Wignell Drain. The Quarry previously had also agreed to control the amount of discharge from their pumps to reduce any potential flooding problems on the Wignell Drain. Therefore, it is recommended:

7. That Port Colborne Quarries Ltd. limit water discharge into Wignell Drain during periods of high surface runoff.

Several area residents living southwest of the proposed site and north of Highway No. 3 have complained of flooding problems on their lands due to berming and subsequent pump discharges particularly during the early spring periods. The license site plans indicate that the existing drainage ditches will be rerouted around the proposed berms and again linked into Wignell Drain in order to handle any runoff. Therefore, it is recommended:

(3) Letter from D. W. Jackman, Water Resources Assessment Section, Ministry of Environment, October 5, 1981.

8. That any proposed drainage system relocation around the proposed expansion area should be in place prior to any stripping or extraction on the proposed site to prevent flooding of adjacent properties.

D. Traffic

The present point of access to the quarry operation is at Highway No. 140 and Chippawa Road. According to the site plan agreement between the City and the Quarry however, it is noted that the Quarry reserves the right to establish a secondary point of access at Highway No. 3 in a location satisfactory to the City of Port Colborne, the Ministry of Transportation and Communications and the Quarry.

A second access point somewhere along Highway No. 3 could create additional noise, dust and safety problems for residents along the highway. Since most of the trucking activity is directed toward the canal loading facilities for shipment to the U.S. market, it makes more sense to keep future stone haulage internal to the quarry and to continue to use the present entrance/exit near the existing processing facilities. Therefore, it is recommended:

9. That the Quarry continue to have only the one controlled access point, which is along Highway No. 140 at Chippawa Road, for aggregate movement so that any adverse impacts of truck traffic can be localized.

E. Rehabilitation

Upon completion of aggregate extraction in the proposed site, the slopes of the quarry are to be backfilled with the clay material which is to be stockpiled along the brim of the southern and western edges of the quarry face. After the entire quarry has been mined out it is the intention of the company to stop pumping water and to allow the quarry to fill up with water to a depth which varies from 14 to 24 feet. The eventual proposed use is a recreational lake to accommodate some boating activities. The quarry has also indicated that these plans may change in the future.

In light of the above information, three recommendations are suggested. The end use of the quarry is apparently geared to private or public recreational use. Therefore, it is recommended;

10. That for both safety and access reasons a more gentle final slope than a 2:1 gradient for the quarry's side walls be provided and furthermore

that this slope be at least a 1:1½ slope as set out in the Regulations under The Pits and Quarries Control Act, 1971.

Two methods for creating a more gentle slope might include:

- a) Using more clay as backfill, or
- b) Sculpturing the quarry face in tiers followed by some backfilling.

No indication is given on the site plans as to when the quarry face will be sloped to desired grades. To ensure that the quarry is rehabilitated in as a progressive manner as possible, it is recommended:

11. That the slopes of the quarry be contoured to the grades specified on the site plans as soon as possible but no longer than one year after completion of extraction in the proposed site.

The quarry wishes to leave open their option for rehabilitating the quarry to some other use in the future. From a resource management point of view this approach may be reasonable, as a water-related recreational use in this location may not be appropriate in 20 to 25 years. Since policies and needs may change during that time period, therefore, it is recommended:

12. That further detailed studies of the quarry's end use be carried out at the time of final implementation with input from the City of Port Colborne, the Ministry of Natural Resources and the Regional Municipality of Niagara.

The license site plans indicate that a large settling pond is proposed in the expansion area subject to the approval of the Ministry of Labour. The purpose of the settling pond is to allow the settling out of any sediments in the water and to regulate the amount of discharge into Wignell Drain. It has also been suggested that the settling pond may have some aesthetic merit as an interim measure. If the Ministry of Labour or the Ministry of Natural Resources have some concern with this proposal from a safety or operations point of view, staff would support the establishment of an alternative settling pond in the existing quarry designed to meet the first two primary objectives noted above. It is recommended:

13. That a settling pond be established in the existing quarry area for the settling out of suspended sediments in the collected water and for the regulation of discharge into the Wignell Drain.

Conclusion

Regional Niagara has supported the basic land use change for this site by approving Regional Policy Plan Amendment No. 10. This support was given with the understanding that the details of the application could be studied further and that appropriate conditions could be included in the license.

The site plans have been carefully reviewed and several additional conditions are recommended for inclusion on the license. These conditions are considered to be important and form the basis for overall Regional support for the application.

Final Recommendations

14. That the Regional Municipality of Niagara agrees to the approval of a quarry license for the 12.8 hectare (about 32 acres) expansion of Port Colborne Quarries Ltd. in the City of Port Colborne subject to the inclusion of the recommendations in this report. If these conditions are not provided for in the license then Regional Niagara objects to the issuance of the above quarry license.
15. That staff meet with the Ministry of Natural Resources and Port Colborne Quarries Ltd. prior to a license decision to review the recommendations in this report.
16. That the Ministry of Natural Resources send notice of its final decision on the license application including the conditions and final site plans.
17. That copies of this report be sent to the City of Port Colborne, Port Colborne Quarries Ltd., the Niagara Peninsula Conservation Authority, the Ministry of Environment and the Ministry of Municipal Affairs and Housing for their information.

Prepared by,

Ken Forgeron
Drew Semple

Ken Forgeron
Drew Semple
Planners

Respectfully submitted,

Corwin T. Cambray

Corwin T. Cambray
Manager, Policy Planning

KJF/jlm

LIST OF APPENDICIES

- Appendix 1 Report DPD 1489
 "Proposed Regional Policy Plan Amendment No. 10
 Expansion of Port Colborne Quarries
 City of Port Colborne"
- Appendix 2 Comprehensive Site Plan Agreement Including
 Four Schedules (February 4, 1982)
- Appendix 3 License Site Plans
 - Site Environs 1
 - Existing Conditions 2
 - Operation and Rehabilitation Sequence 3

#3

DPD 1489
November 4, 1981
RE-am.10
QU

Report to: Mr. Bell, Chairman and Members of the
Planning and Development Committee

Mr. Campbell, Chairman and Members of
Regional Council

Councillors:

Proposed Regional Policy Plan Amendment No. 10
Expansion of Port Colborne Quarries
City of Port Colborne

On January 26, 1981, an application was received from Port Colborne Quarries Ltd. to amend the Regional Niagara Policy Plan to permit a 32 acres (12.8 ha) expansion to their quarry located north of Highway 3 and east of Snider Road in the City of Port Colborne (see location map).

An amendment to the City of Port Colborne Official Plan covering a part of the expansion area is also required. In addition to amendments to the local and Regional Official Plans, Port Colborne Quarries is also required to obtain a license to quarry from the Minister of Natural Resources under the authority of The Pits and Quarries Control Act, 1971.

Background Information

In 1974, a license to quarry was issued to Port Colborne Quarries Ltd. covering some 320 acres (128 ha). Under the provisions of this license the quarry was permitted to extract 2 million tons of aggregate a year. At the present time most of the licensed area located west of Babion Road has been quarried. However, some 170 acres (68 ha) of the area licensed in 1974 and located east of Babion Road is yet to be quarried. Over the past two years the City of Port Colborne and Port Colborne Quarries have been attempting to resolve through a site plan agreement a series of issues related to the past, present and future operation of the quarry.

- March 9, 1981, submission by applicant of a site plan for the quarry expansion and some additional detailed information.
- March 25, 1981, preparation of a technical background information report and distribution to various agencies for their preliminary technical comments.
- April 14, 1981, a joint public meeting was held with the City of Port Colborne to consider and receive comments from the public. At this meeting a number of concerns of the public was raised including:
 - rehabilitation of the existing licensed area.
 - the impact of noise, vibration, and dust from both the existing quarry and the proposed expansion area.
 - the effect of the expansion on well water supplies.
 - the impact of water discharge from the quarry into roadside ditches and Wignell Drain.
 - the height of berms and stockpiles of overburden material around the site.
- May 20, 1981, the City of Port Colborne agreed that they would not consider an amendment to their Official Plan until the concerns of the residents had been properly dealt with by Port Colborne Quarries.
- May 27, 1981, Memo 782 which outlined the status of the application to that date was received by the Regional Planning and Development Committee.
- August and September 1981, several meetings with Port Colborne Quarries, the City of Port Colborne, Regional Planning Staff, the Ministry of Natural Resources, the Niagara Peninsula Conservation Authority and the Ministry of the Environment.
- October 14, 1981, the City of Port Colborne agreed to enter into a special site plan agreement with Port Colborne Quarries and agreed to support a local Official Plan amendment to permit the quarry expansion.

Comments

Policy 7.E.5 in the Regional Policy Plan sets out a series of criteria against which all applications for new quarries or expansions to existing quarries are considered. These criteria include:

- a) demonstrated need;
- b) compatibility with surrounding land uses;
- c) the impact on the natural environment including surface watercourses and groundwater;
- d) the proposed manner of operation, site plan and rehabilitation;
- e) the proposed haulage roads and the possible effect on the roads concerned on adjacent development.

a) Demonstrated Need

Since 1974, Port Colborne Quarries had produced an average of approximately 1.2 million tons of stone annually. At present, the quarry has approximately an 18 year supply of material in the licensed area east of Babion Road. The licensed area west of Babion Road is virtually depleted.

It is assumed that the reason for wishing to expand the quarry onto this 32 acre parcel is to provide an interim supply of aggregate material pending the bringing into production of the larger existing licensed area. This expansion area is contiguous to the site already being quarried and represents a logical step for the quarry to take from an operational viewpoint and also from the point of view of taking full advantage of a conveniently exploitable resource.

It cannot be argued that this expansion is needed to meet any local or Regional need. Some 85% of the aggregate material is exported to the United States. However, 15% to 20% of the material does serve the local market. There are a number of other nearby quarries including R.E. Law Crushed Stone in Wainfleet and Ridgemount Quarries in Fort Erie which produce a range of material similar to Port Colborne Quarries.

It is probably inappropriate to attach too much importance to the criterion of need in the case of this particular relatively minor expansion to Port Colborne Quarries. This proposed quarry expansion will only add some 2 years to the existing 18 year supply already licensed. Perhaps more importantly, the issue of demonstrated need should properly only become of critical importance if there is a strong reason to suspect that approval will have a serious impact on the surrounding residents or the natural environment.

b) Compatibility with Surrounding Land Uses

The area in the immediate vicinity of the proposed expansion area is presently rural in character. However, the Regional Policy Plan shows the area to the south and west of the quarry as being within the urban areas boundaries for the City of Port Colborne. The Official Plan for the City of Port Colborne, designates the area to the south and west of the proposed expansion area as urban residential. This land use should not normally be considered compatible with an operating quarry particularly if provisions are not made to ensure protection against noise, vibration, dust and fly rock originating from the quarry. Given the fact that development in this area is not anticipated in the near future and that extraction in the proposed expansion area is likely only to last for some 2 years the likelihood of this potential land use conflict is considered minimal.

At present, there are 5 existing residential dwellings located north of Highway 3 to the south and west of the site and 2 dwellings south of the site and south of Highway 3. The distance separation between the edge of the quarry face and the nearest residential dwelling will be approximately 300 feet.

Of particular concern in assessing land use compatibility are the factors of noise, vibration, dust and flyrock.

Port Colborne Quarries through their consultant Philip R. Berger and Associates Ltd. prepared a noise and vibration study. This study has been submitted to the Noise Pollution Control Section of the Ministry of the Environment in order to determine

what measures will be required to ensure that the operation of the quarry meets current noise and vibration standards of the Province. To date, the Noise Pollution Control Section has not formally responded to this report. However, the Quarry has agreed to the following measures:

- i) setbacks from Highway 3 and the nearest residential dwelling which exceed the minimum distance setback standards set out in The Pits and Quarries Control Act 1971.
- ii) the imposition of blasting limits of 40 holes a day.
- iii) the use of sequential blasting techniques.
- iv) the construction of a temporary 18 foot earth berm along the southern and western boundary of the quarry expansion area.
- v) the acquisition and use of noise monitoring equipment to measure noise and vibration from the blasting operations to ensure that Ministry noise standards are adhered to.

It should be noted that the above measures taken by Port Colborne Quarry while helpful in trying to meet Ministry of the Environment noise standards will not necessarily eliminate future complaints regarding noise and vibration from the surrounding residents. Quarries by the nature of their operation are almost assured of creating some nuisance. However, the precautions taken by the quarry should reduce the potential nuisance. However, a final judgement on the impact of noise and vibration will have to await the final comments of the Ministry of the Environment.

The issue of flyrock has not been mentioned in the past as a problem or of particular concern by any of the commenting agencies, the general public or by the City of Port Colborne.

The problem of dust has been mentioned as a serious and long standing concern by residents in the area and by the Ministry of the Environment. The complaints regarding dust have been associated not with the quarry itself but with truck traffic moving from the quarry along Second Concession Road. Port Colborne Quarries have agreed to make a financial contribution to the City of Port Colborne to enable the resurfacing of Second Concession Road and to construct ditches on either side of the Road. It is expected that these measures will assist in a more effective cleaning of the road surface and help to reduce the potential problem. The quarry has agreed as well to continue to carry out periodic cleanings of the road surface. The Quarry presently makes use of a "sonic dust suppression" unit to control dust in their processing operation.

c) Impact on the Natural Environment

i) Ground Water

The Ministry of the Environment has carried out a preliminary study of the impact of the quarry on well water supplies in the vicinity of Port Colborne Quarries. A total of some 200 wells were tested. As a result, a zone of interference was identified within which water supplies would be affected. Only 2 wells were identified as being adversely affected by the quarry's dewatering operation. The Ministry of the Environment has noted that the quarry expansion will likely result in an increase in the zone of well water interference. Port Colborne Quarries has been operating under the provisions of a "Permit to Take Water" under The Ontario Water Resources Act. According to the legislation, the quarry operator is responsible for rectifying any private well water problem attributable to the quarry operation. Port Colborne Quarries is presently negotiating with the two individuals involved to solve their water problems in a manner acceptable to the property owners and to the Ministry of the Environment.

Port Colborne Quarries has also agreed to carry out a more detailed hydrological study in the area prior to any expansion. This Study is intended to assist the Ministry of the Environment to monitor any adverse impact on well water supply resulting from the longer range operations of the Quarry.

ii) Wignell Drain

The Niagara Peninsula Conservation Authority in their preliminary technical comments expressed concern regarding the potential impact of the proposed quarry expansion on Wignell Drain. Wignell Drain is used as a discharge source for ground water and surface water accumulation in Port Colborne Quarries. The concerns of the Niagara Peninsula Conservation Authority relate to the problem of periodic flooding and the quality of water in the drainage channel. A Study carried out by Gartner Lee and Associates for Port Colborne Quarries investigated the impact of the quarry water discharge on Wignell Drain. This Study has been submitted to the N.P.C.A. for their comments. However, to date no response has been received by the Region.

Port Colborne Quarries has agreed to limit water discharge into Wignell drain during periods of high surface water runoff and to construct a retention pond in the quarry to permit both the storage of any accumulated water and to enable the settling out of any silt prior to being discharged into Wignell Drain. They have also agreed to contribute to an independent drainage study of Wignell Drain.

d) Operation Site Plan and Rehabilitation

According to the site plan for the proposed expansion, the extraction sequence will be from east to west and will be completed in approximately 2 years. Aggregate material will be transported by truck to the crushing facilities located in the original pit west of Snider Road.

It is proposed to construct a temporary 18 foot earth berm along the brim of the southern and western edge of the quarry face. A five foot high steel fence is to be constructed around the property. Landscaping will include a continuous 9 foot high grassed and treed earth berm. Upon completion of the aggregate extraction the slopes of the quarry face are to be sloped at a 2:1 gradient. The eventual end use of the quarry is for water related recreation purposes but will not occur for some 20 years or until the supply of material to the east of Babion Road has been extracted.

e) The Possible Effect on Roads

In the past, truck traffic from the quarry has exited onto Highway 140 with the bulk of aggregate material apparently transported directly to the Canal loading dock area. This pattern of truck movement is expected to continue with a continued crossing at Snider Road. No Regional Roads appear to be associated with the transportation of material from the site.

As mentioned earlier there has been a long history of complaints regarding dust from residents living adjacent to Second Concession Road. However, it is expected that the agreement reached between the quarry and the City regarding road maintenance and reconstruction to Second Concession Road should alleviate or at least significantly reduce the problem of dust for the residents.

Conclusion

The proposed expansion to Port Colborne Quarries represents a relatively minor extension to its existing licensed area. In the past the impact of the quarry has been a source of concern and complaints by the City of Port Colborne and nearby residents. This is perhaps not surprising given the size and nature of the quarry and its proximity to existing residential development in the vicinity. The lengthy negotiations regarding this proposal to expand the quarry were primarily directed to rectifying the past and possible future concerns associated with the entire quarry operation.

It should be noted that the Region will have an opportunity to provide additional detailed comments to the Minister of natural Resources regarding this proposal as part of the license to quarry application under The Pits and Quarries Control Act. Any additional detailed comments and concerns from the Ministry of the Environment and the Niagara Peninsula Conservation Authority can be incorporated at that time.

Recommendations

1. That Amendment No. 10 to the Regional Niagara Policy Plan to permit the expansion of Port Colborne Quarries be approved.

Recommendations cont'd

2. That a by-law adopting Policy Plan Amendment No. 10 be prepared and forwarded together with the necessary support information to the Minister of Municipal Affairs and Housing for approval.

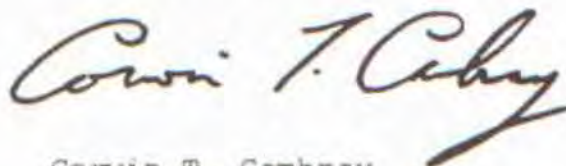
Prepared by,



Drew Semple
Planner

/svb

Respectfully submitted,



Corwin T. Cambray
Manager
Policy Planning

September 8th 2021

Regional Clerk, Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, Ontario, L2V 4T7

City Clerk, City of Port Colborne
66 Charlotte Street
Port Colborne, ON. L3K 3C8

To Whom it may concern,

**Re: Port Colborne Quarries Pit 3 Expansion (Port Colborne Quarries Inc.)
Proposed Regional Official Plan Amendment 20
Proposed Official Plan Amendment D09-02-21
Proposed Zoning By-law Amendment D14-09-21**

Hummel Properties Inc. (HPI) is a land development and home building company that is based in the Niagara Region. HPI is in receipt of the public notices associated with the above-referenced applications. The proposed quarry expansion has long-term, region-wide, economic and environmental benefits.

Affordable housing in the Niagara Region relies on the ready supply of building materials that can be locally sourced. The Niagara development and home building industry relies heavily on the supply of local aggregate to construct roads and houses. Locally sourced aggregate minimizes out of region trucking costs and these savings can be passed onto future homeowners.

Sourcing materials locally not only has cost benefits but also environmental benefits. Minimal trucking and transportation distances for materials reduces the production of greenhouse gases that negatively impact air quality. Locally sourced aggregate also ensures that jobs are created and kept within our region, which has an economic benefit region-wide.

Thank you for the opportunity to comment on the applications. I would like to be notified of the decisions of these applications.

Your truly,



Rainer Hummel
Hummel Properties Inc.
P.O. Box 612, St. Davids, ON. L0S 1P0

Via E-mail attachment only

From:

[REDACTED]
[REDACTED]
[REDACTED]

April 24, 2022

To:

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c/o Shawn Tylee
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Ministry of Northern Development, Mines,
Natural Resources and Forestry
Integrated Aggregate Operations Section
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David R Sisco
IBI Group
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Waterloo, ON N2L 3V3
David.Sisco@IBIGroup.com

**Re: Proposed Class A, Category 2 ARA License
Port Colborne Quarries Inc. Pit 3 Extension
ARA Application 626511**

Dear Mr. Sisco,

Thank you for responding on behalf of Port Colborne Quarries Inc. (PCQ Inc.) to my letter of objection to the subject matter. This letter should be read in conjunction with my letter dated April 30, 2021, and your response dated April 12, 2022. Your response letter does not stipulate a date by which I must reply, so I am submitting my reply within the 20 day period that is identified by the provincial regulations for subsequent correspondence.

Your response to my objections in the order you presented them follows in a condensed form:

Policy Framework for Comprehensive Rehabilitation

1. Clarification of Annual Tonnage: Although not acknowledging that there were contradicting quantities in the initial submission, and the “NOT to exceed” is missing in your response, the quantity has subsequently been amended to 1,000,000 tonnes per year and this is acceptable. The objection **is withdrawn**. I note that all aggregate licenses have the ability to apply for an increase in quantity at a later date, and this is not stated in your response.
2. Clarification of Area to be licensed: The area to be licensed has been clarified to be 71.1 hectares and this correction is noted. However, Phase 3 is included in this area. Objection to the inclusion of Phase 3 and rationale is included under Pit 3 Extension Item 18 c., and the area should be amended accordingly. This objection is **NOT withdrawn**.
3. Status of Perimeter Berms:
 - a) Although Pit 1 is not subject to the rezoning applications to the City and Region, the justification reports make reference to potential future rezoning of Pit 1. These references should not be part of the decision process in this application. This objection is **NOT withdrawn**.
 - b) You have indicated that Pit 2 is active. The activity in Pit 2 for the last 20 years (Since year 2000) has only been as a haul road access between Pit 1 and Pit 3. Only between July and November of 2021 was any extraction conducted in Pit 2. Only recently (after the 2021 posting of the license application), and in your response in the reply letter to my objections, **Pit 2**, 1. a) has it been made known that there is another 2 years quantity of aggregate remaining in Pit 2, and PCQ Inc. will be seeking to remove it. The contention that the perimeters of Pit 2 are sloped are refuted by the photographs in the Appendix 3 photographs attached to my April 30, 2021 objection letter. The sloping of the perimeter faces of Pit 2 utilizing the existing berms should have been completed 20 years ago. This objection is **NOT withdrawn**.
 - c) The Pit 3 berms must remain in place for noise attenuation while there is activity in Pit 3, including the potential Pit 3 Extension. This is just a comment and not an objection, and therefore a **withdrawal is not necessary**.

Existing Extraction Sites

Pit 1

1. Rehabilitation Status: The response indicating the current zoning do not reflect that only part of Pit 1 is zoned MAO-38-H, and the description is not correct. The correct description is Precast Concrete Manufacturing, which is substantially different than Concrete Manufacturing Plant. Also for clarification, the decision by the OMB to grant the rezoning of this area of Pit 1 is based on testimony at the OMB hearing that numerous reports would be required, as well as amendment of the Site Plan Agreement when the application is deemed complete. Further, as you have stated this pit does not

fall under the requirements of the ARA, and thus has no bearing on the License Application, and should not be included in this discussion. This objection is **NOT withdrawn**.

Pit 2

1. Rehabilitation Status: Also see Policy Framework 3 b) above. The time frame for the rehabilitation is estimated to be 8 – 12 years including some time during the first few years of Pit 3 Extension. There is extensive flexibility in the proposed timeline. If the license for Pit 3 Extension is granted, the timeline should be precisely less than 3 years from the date of licensing since the status of the proposal will then be established. This will also reduce the GreenHouse Gas (GHG) from the hauling of blasted aggregate from the mining face to the processing area (addressed separately by others). It will also allow earlier commencement of filling of Pit 2 with water (also addressed by others). This objection is **NOT withdrawn**.
2. Removal of Babion Road: It is only mildly comforting that PCQ does not proactively support such a proposition. The reasons for the objection were provided in my letter of April 30, 2021, including that the Region Official Plan refers to a Temporary road closure. The calculation by Golder in the Hydrology Report predicts a final rehabilitated Pit 3 water level of 178.0 MASL, also being the approximate top of rock level at this location, and therefore there would be no aggregate to remove. This consideration should not be part of the discussion in this license application and this objection is **NOT withdrawn**.
3. Progressive rehabilitation of Pit 3: Although some rehabilitation has taken place, it is sporadic and not progressive. There are extensive lengths of vertical face where all mining has been completed many years ago. This is an active pit and the progressive rehabilitation should be identified and connected to a specific time based on mining progress. This objection is **NOT withdrawn**.

Pit 3 Extension

1. Timelines for extraction progress: This is addressed in the next comment, and thus this objection is **withdrawn**.
2. Areas of Phased Extraction: The phasing of extraction is not outlined. Phase 1 comprises 80%-90% of the entire property proposed for licensing. That cannot be construed as phasing. It is more reasonable to divide the site in 10 equal size Sections, or even 5 equal size Sections, and phased by Section, representing approximately 5 – 10 year time frames, which is reasonable. This will also provide the timing for the processing plant relocation, the creation of the new site access, and the Progressive Rehabilitation staging, all connected to the mining progress. This objection is **NOT withdrawn**.
3. Length of time for Phase 1 Extraction: See 2. Above. This objection is **NOT withdrawn**.
4. Rehabilitation progress timing: See 2. Above. This objection is **NOT withdrawn**.

5. Angle of quarry side slopes: The response to this comment only refers to the permitted slopes, and not the practical/possible side slopes. Unless the sides are benched and the side slope material is a modified soil/clay/aggregate, the soil will slough to the natural angle of repose for saturated clay as the pit fills with water. For saturated clay that is not modified with course material, the natural angle of repose is 15°, or a 4 (h):1(v) slope. This objection is **NOT withdrawn**.
6. Blast in unsuitable weather conditions: Regardless of who is contracted to conduct the blasting, this is the responsibility of the proponent. The blasting in overcast conditions is not anecdotal, but based on personal observation. I am aware of numerous times when the Regional MECP office and the District NDMNRF offices have been contacted, and the seismic records requested because of the vibrations and air concussions. A request to these ministries would have revealed this. This objection is **NOT withdrawn**.
7. Identification of property as a Significant Groundwater Recharge Area (SGRA): The response to this comment does not address this SGRA, and in fact, the response is about dust and ultimately filling, and not that an SGRA reflects the movement of surface water to the groundwater. This objection is **NOT withdrawn**.
8. Preparation of Quarry floor prior to allowing the Pit to fill with water: Yes, this is not addressed, and the comment was intended to receive a response to address this important issue. This objection is **NOT withdrawn**.
9. Cumulative Impact of Dewatering in Pit 3 Extension: As you noted, the hydrology report focuses on the Pit 3 Extension. Crossflow from the SGRA has not been addressed, and the increase in the cone of influence adjacent to the other pits is not addressed. This objection is **NOT withdrawn**.
10. Cumulative Impact of Rehabilitation due to dewatering: As soon as Pit 2 pumps are removed, excess groundwater infiltration can be redirected from Pit 3 into Pit 2 as a reinforcement of the rehabilitation. The initial letter of objection outlined the potential of this redirection of the pump discharge. This objection is **NOT withdrawn**.
11. Status of Perimeter Berms post-extraction: See Policy Framework 3. a), b) and c). This objection is **NOT withdrawn**.
12. Recycling of Asphalt and Concrete: Agreement that this is not permitted and not proposed for Pit 3 Extension is acceptable, and with confirmation in the license, this objection is **withdrawn**.
13. Again the NOT is missing in the first sentence of your response. Since recycling will not be conducted as per 12. above, there will be no impact in timing due to that operation. This is acceptable if it is clearly stated in subsequent documents, and on that basis the objection is **withdrawn**.
14. Relocation of Processing Equipment: As PCQ supports this statement, the only further commitment is to agree to conduct this within 3 years of obtaining the License for Pit 3 extension. On this basis the objection is **withdrawn**.
15. Again the NOT is missing in the first sentence of your response. My comment is that scrap should NOT be stored within the aquifer because even though all fluids may be

drained, there are still residuals coating the surfaces. Scrap should be stored in a contained area, and removed regularly. This objection is subject to agreement to the above and is **NOT withdrawn**.

16. Record of Site Condition: The noted reports were filed after the April 30, 2021 letter of objection and could not be referenced in the objections. The reports only include a Phase 1 ESA, and more investigation and testing is required. This is also addressed by others. This objection is **NOT withdrawn**.

17. Importation of Soil for side slope rehabilitation: Although the intent is to not import soil for side slopes, this was also the intent for Pit 2. Within the last 2 years, 15,500 m³ of topsoil was imported into Pit 2 for rehabilitation and top dressing of side slopes. Also, the availability is based on significant areas being sloped at 2:1, whereas this may not be possible using native clay without benching. The calculations should confirm this intention. If the volume of available on-site material is adequate, this objection is **withdrawn**.

18. Wetland Protection:

a) A reduced buffer adjacent to a Wetland is subject to NPCA agreement. A 10 m buffer is equivalent to two PCQ off-road haulage truck widths. The buffer terminates at a 16 m deep vertical excavation. The Hydrological Assessment did not conduct a Water Balance of the wetland. By redirecting approximately 140 ha of tributary area around a wetland when it has previously run through the wetland will have a significant impact. This has been articulated to the City and Region, and copied to PCQ Inc. in a separate document. This issue has not been appropriately addressed, and this objection is **NOT withdrawn**.

b) Fencing of Wetland: Fencing and other physical barriers sufficient to prevent access by ATVs is acceptable and if this is confirmed, this objection is **withdrawn**.

c) Elimination of Phase 3: The hydrogeological report provides the depths of each of the soils and rock formations that comprise the geology of this area. They were provided in Appendix 5 attached to my letter of April 30, 2021. There is also significant environmental impact as Phase 3 requires realignment of the Wignell Drain – refer to a) above. This objection is **NOT withdrawn**.

d) Monitoring of water level in Wetland: If the agreement to seasonal water level monitoring is confirmed, this objection is **withdrawn**.

e) Wignell Drain realignment: See a) above. This objection is **NOT withdrawn**.

19. Heavy Metals in the plume of INCO (now Vale) stacks: The Phase 1 ESA addressed the impact from speedway related uses. There is no recognition or testing for the historic discharges from INCO. This objection is **NOT withdrawn**.

20. Elimination of Phase 3: See c) above. This objection is **NOT withdrawn**.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

May 2, 2022

The Applicant:
Port Colborne Quarries Inc.
222 Martindale Road
P.O. Box 1116
St. Catharines, ON
L2R 7A3
stylee@rankinconstruction.ca

Ministry of Natural Resources and Forestry
Integrated Aggregate Operations Section
4th Floor South, 300 Water Street
Peterborough, Ontario K9J 3C7
ARAApprovals@ontario.ca

To the Applicant and Ministry of Natural Resources and Forestry,

Unanswered Objections to: Application No. 626511 Port Colborne Quarries
(PCQ) – Proposal for Pit 3 Expansion

I would like to start by saying I do not find it reasonable nor adequate that Port Colborne Quarries has taken just shy of 1 year to try to answer my objections to the proposed Pit 3 Expansion yet I am only given 20 days to respond to their letter. Also, the fact that this was not even stated in my letter but acquired from other resources.

I do not find your answers clearly justify the removal of a large parcel of prime agricultural land for the extraction of mineral aggregate or that the quarry will not result in environmental impacts. Nor as stated in your own documents the fact that you will not replace it to its original conditions as “there is a substantial quantity of mineral aggregate resources below the water table warranting extraction. Below the water table that you have referenced in your documents to reference in my letter is very disturbing as what guarantees will be in place to protect the water table or in other words the natural aquifer. Which brings me to my unanswered question in regards to How will a below water permit quarry follow the PPS environmental policies?

In reference to my concerns regarding the proposed realignment of the Wignell Drain, I reiterate the point that it should not be moved in the interest of the surroundings neighbours and the environment nor your response of it will be restored to generally its original location. You can't just move the natural Wignell Drainage area and put in back close to where it was originally!! What are the long-term environmental affects of this realignment?

I do not agree with your answer regarding the reduction in the setback from a Provincial Highway from 90m to 30m as these setbacks are an established By-law to protect the surrounding sensitive land uses within municipalities. Your justification minimizes the protection of the surrounding sensitive land uses.

I would also restate my major concern regarding the fact that the unlicensed Pit 1 will be used for the processing of the blasted rock from the current Pit 3 and the proposed expansion which includes the crushing, screening, washing and storage of the blasted rock. There are no mitigation measures currently implemented at Pit 1 to protect the surrounding neighbourhood. No protection from the increase in noise, dust and continued contamination of the aquifer that will occur from the additional processing of the proposed Pit 3 aggregate. If approved, the expansion of Pit 3 (which again should be considered a new Pit) will continue to operate in Pit 1 with no accountability or oversight!! I do not agree with you that the lands are appropriately zoned for the existing activities or the additional mitigation measures being required to facilitate the moving of the processing operation to Pit 3 would be required and enforced.

I still have concerns regarding hours of operation under emergency clause and enforcement of provincial regulations as the noise may be absent when an inspector is able to visit the site.

I do not withdraw my objections nor do I believe that they have been adequately addressed or answered.

Please address all my concerns fully before considering any approvals!

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

To:

Port Colborne Quarries Inc.
c/o Shawn Tylee
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P.O Box 1116 St. Catharines, ON L2R 7A3
stylee@rankinconstruction.ca

Ministry of Northern Development, Mines,
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**Re: Proposed Class A, Category 2 ARA License
Port Colborne Quarries Inc. Pit 3 Extension
ARA Application 626511**

Please accept this letter as my response to letter dated April 12, 2022 from David Sisco of the IBI Group that I received via registered letter on April 19, 2022. My letter of objections was dated May 6, 2021; however, your response was approximately eleven (11) months later and it is my understanding that the responses to your letter is to be submitted twenty (days) following the receipt of your letter; however, no one was notified of this brief and unfair timeline. Please clarify why you would not do that courtesy for those who may not know how to locate the rules of submitting their responses to the IBI letter.

Also, when I perused your documents; I had not noticed any correspondence with Indigenous groups as to whether or not any consultations were conducted with the bodies/institutions needed to properly consult with them. What made me ask this question is the fact that you speak of significant archeological findings on the property. I am aware of a nearby area south of Highway 3 that revealed Indigenous archeological findings during a dig (perhaps during the 1990s as I was present on that small dig.

In regards to the exposure of the ANSI area located within Pit 1; I need to ask if perhaps the need to expose part of this site would outweigh the need to protect the aquifer and our precious water that serves many people and perhaps the future source of water for South Niagara should our lake/canal become an unsafe source of water. I am asking everyone to consider what is the greatest benefit to all persons relying up the potable water in the aquifer – the ANSI or our water that gives life to people as a drinking sources and for farmers, businesses etc. My opinion is that WATER would provide us the greatest benefit in the future. With technology and proper sampling and documentation (ie recording and photos etc could give everyone a true understanding of the ANSI.

In the letter from IBI group there appears to me that there may be other areas that might be designated as an ANSI area; however, either I have misunderstood or the locations and types of possible other ANSI were not disclosed in the IBI letter dated April 12, 2022. Could this missing information be revealed; thereby, being more transparency and more accuracy of reporting to the public.

I am of the belief that the new updated reporting and responses' to JRT and other agencies may be significant to necessitate another public meeting. And I feel that another meeting that is not divided into six simultaneous virtual sessions would be most beneficial. As the six simultaneous sessions was confusing to many and did not afford persons enough time to cover all the areas of interest that they would want to learn more about.

In regards to the wetland and deciduous swamp area and woodlot area; I continue to believe that a 30 meter buffer is needed and I believe that routing the Wignell drain so that it does not cause any drainage or harm to the wetlands or swamp would be best practice in order to not cause any harm or degradation to these significant areas. In addition, using the death of ash trees in my opinion is not sufficient enough evidence to say the area is no longer viable as a woodlot or significant area because if you observe many other areas where the ash trees have died off – these areas are regenerating. If fact, it would be best if possibly PCQ would utilize this opportunity to plant Native trees/shrubs etc in these area to enhance the regeneration of these precious areas. Perhaps even utilizing students to plant tree and Native species so that they can gain community hours of schooling and enhance with learning.

YES, I fully agree with other persons who object to the long time to get the processer/stone crushers and scales out of Pit 1. This can be achieved within three (3) whether or not the Pit 3 extension is actively working as a mine. There is ample room in Pit 3 now to move the stone crusher and ancillary machinery within three years. Thereby, allowing enough time to source the remaining aggregate in Pit 2. An alternate route for rock trucks could be along the north side of Pit 2 in the 30 meters of buffer zone so that Pit 2 can be rehabilitated as a passive lake at a sooner date.

Bottom line is that the sooner both Pit 1 and Pit 2 become compatible passive lakes the greater the protection of the aquifer. When does one begin to see that the water in the aquifer does not belong to PCQ oar Rankin but rather to the people who rely upon this massive source of water now and in the future? And not just the community of Port Colborne but all communities who benefit from this aquifer. Would people be allowed to dump potential risks of stuff in a river? I don't think so. Would anyone be allowed to place a river or other source of water at risk for decades? I don't think so. It is time to realize that the water in the aquifer belongs to everyone and should be protected at all costs and not be degraded or placed at risk of harm for decades to come. Once contaminated – forever contaminated. Monitoring wells – only reveal little areas of testing – as you are aware the water in the aquifer can move quickly and unpredictably throughout the Onondaga Escarpment because of the karst formations. It is time to protect.

I do not withdraw any of my objections and/or comments and I ask that you read my letter in conjunction with my former letter dated May 6, 2021.

Keeping vehicles travelling over to Pit 1 from Pit 3 and during the initial stages of the expanded Pit 3 is completely unacceptable when there are options to better protect.

Because Pit 1 is not and never has been licensed – I assert that once all processing/crushing stone etc is gone from Pit 1 that there is no reason to continue zoning this area as a mineral aggregate zone. In fact, it would be best to zone Pit 1 as a conservation area. Turning it into a light or medium industrial zone would necessitate it to be pumped forever to keep it dry.

Moving all stone crushers, scales, and wash ponds to Pit 3 would allow Pit 2 and 1 to become compatible lakes and for no Permits to Take Water to exist. Other letter writing objectors have well documented the need to not keep Permits to Take Water ongoing for decades and others have demonstrated the need for both Pits 1 and 2 to become passive lakes.

Removing mining activities (crushers, wash ponds, heavy trucks) will benefit the surrounding communities and the future development of over a thousand homes just south of Highway 3 that is coming in the near future. Port Colborne is limited in expanding residential homes on the west side so they must move west. Should this new community be exposed to dust, noise, and odours in the future and would anyone want to move there – I am sure a developer would not want to sell a home at less cost because of the unnecessary processing of stone in Pit 1 and continued driving of heavy rock trucks through Pit 2. Just the other day, driving on by Pit 1 there was an overwhelming odour of diesel type odours due to the crushing of stone. It lasted for hours. Huge plumes of smoke occur all the time.

I am not satisfied with the rationale of why the quarry access needs to be on the busy highway 3 where school buses travel and future homes will only increase traffic there too.

Diesel pumps for the pumping of water from the aquifer to maintain dry pits is not needed either as they pose a risk of spillage too – so why not have all pumps to suck water from the aquifer run on electricity.

Why does the IBI letter say that no import of soil is needed to rehabilitate Pit 2 but then six months later PCQ is bringing in many loads of untested construction waste soil from Welland and dumping it in Pit 2 and when asked why they did not have a permit to do so – they ended up getting a permit after the fact. Are the consultants even aware of these incidences of dumping?

When PCQ was working on getting millions of dollars of tax relief dollars for the build of SouthPort condos on West Street would they dump contaminated soil from that site into Pit 1. Part of their rationale for getting the tax break was because Southport is being built on a brownfield. Subsequently, PCQ had to remove that soil from Pit 1. Incidences and behaviours like I mentioned in the last two paragraphs make me not trust a company to have the best interest of aquifer at the forefront of their thinking. Does PCQ have integrity? There are other incidences from the past; however, I feel I have made my point. Is IBI aware of the above mentioned potentially contaminated excess construction soil in Pit 1.

Throughout IBI's letter; they mention that the stone product is for the benefit of the "Province, the region, and municipality" and if this is so – why does the stone get hauled to a stone dock and sent far

away on ships and even to the USA? Our virgin stone is a finite resource in Ontario and should we be exporting it away.

Taxes – quarry operations enjoy low taxes when compared to homes and property that is not zoned mineral aggregate. So that argument is mute to me.

It is time to take a real good look at what could be done to better protect the aquifer and rehabilitating Pit 1 and 2 to passive lakes within 3 years is the best way possible and it allows the shutting off of the dewatering pumps and prevents the overloading of the Wignell drain, prevents erosion of the drain and of preventing water with silt that does reach the lake and causes other issues at the lake. Shutting pumps off in Pit 1 would also prevent unnecessary water from entering out municipal storm sewer drainage system that costs the tax payers too.

I have many more comments to make but my clock is telling me to email this letter.

Again, please be advised that I do not withdraw my objections or comments.

Best regards,



August 1, 2022

The Applicant:
Port Colborne Quarries Inc.
c/o Shawn Tylee
222 Martindale Road
P.O. Box 1116
St. Catharines, ON
L2R 7A3
stylee@rankinconstruction.ca

Ministry of Northern Development, Mines, Natural Resources and Forestry
Integrated Aggregate Operations Section
4th Floor South, 300 Water Street
Peterborough, Ontario K9J 3C7
NDMNRF File #626511
ARAApprovals@ontario.ca

To the Applicant and Ministry of Natural Resources and Forestry,

Unanswered Objections to: Application No. 626511 Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

I again restate my objection and fact that not all my questions or concerns in my previous letters were addressed or answered. I have included some recommendations that may resolve some of my objections.

The Provincial Policy Statement favours a balanced approach regarding the potential for social and environmental impacts. Pertinent PPS clauses that consider the Environmental Protection Act state that development is to only be permitted when public health & safety, air quality and climate change have been addressed. The incompatibility in terms of noise, air, contaminants and vibration related to public health and safety or environmental degradation from the impacts of aggregate operations have not been sufficiently addressed.

The quarry will have substantial environmental impacts. Again, your own documents state the fact that you will not replace it to its original conditions as “there is a substantial quantity of mineral aggregate resources below the water table warranting extraction. Below the water table that you have referenced in your documents to reference in my letter is very disturbing as what guarantees will be in place to protect the water table or in other words the natural aquifer. Which brings me to my still unanswered question in regards to **How will a below water permit quarry follow the PPS environmental policies?**

In reference to my concerns regarding the proposed realignment of the Wignell Drain, I reiterate the point that it should not be moved in the interest of the surroundings neighbours and the environment nor your response of it will be restored to generally its original location. I also do not agree that its realignment was undertaken independently by the city. No one can be certain of what are the long-term environmental effects of this realignment will be and **who** will be held responsible for any future damage this realignment could/will cause? My recommendation would be to reduce the size of the extraction area to eliminate any need to realign the Wignell drain!

I do not agree with your answer regarding the reduction in the setback from a Provincial Highway from 90m to 30m as these setbacks are an established By-law to protect the surrounding sensitive land uses within municipalities. So in the interest of a recommendation I would suggest a reduction to only a 60m setback from the 30m setback requested adjacent to a roadway not a provincial highway.

I would also restate my major concern regarding the fact that the unlicensed Pit 1 will be used for the processing of the blasted rock from the current Pit 3 and the proposed expansion which includes the crushing, screening, washing and storage of the blasted rock. There are no mitigation measures currently implemented at Pit 1 to protect the surrounding neighbourhood. No protection from the increase in noise, dust and continued contamination of the aquifer that will occur from the extension of Pit 1 operations for the additional processing of the proposed Pit 3 aggregate. My recommendation would be to add the additional mitigation measures being required for the expansion of Pit 3 to the area surrounding Pit1 to help alleviate some of the environmental concerns mentioned above (noise/dust)

I still have concerns regarding hours of operation under emergency clause (Exceptional circumstances) and who determines when such an occurrence is permitted? The enforcement of provincial regulations as the noise may be absent when an inspector is able to visit the site. My recommendation would be at a minimum that the contact information for the agency that sends the inspector be made available to ensure compliance by Port Colborne Quarries.

I do not withdraw my objections nor do I believe they have been adequately addressed or even answered as stated above.

Please address all concerns fully before considering any approvals.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Norman, Sean

From: [REDACTED]
Sent: Monday, February 6, 2023 12:02 PM
To: Norman, Sean
Subject: Expansion plan for PCQ

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

No expansion should be allowed until previous damage to homes has been repaired
Been over 10 years and still waiting

Norman, Sean

From: [REDACTED]
Sent: Monday, February 6, 2023 1:11 PM
To: Norman, Sean; Clerks
Cc: D Deluce; david.shulz@PortColborne.ca; [REDACTED]
Subject: RE: Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Expansion of Port Colborne Quarries Pit 3
Attachments: Objections to Application 626511 PCQ Pit 3 Extension - Rehabilitation Focus.pdf

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good Day Sean,

Thank you for the notice below, for the Region of Niagara Statutory Public Meeting for the Port Colborne Quarries (PCQ) Pit 3 Proposed Expansion.

By copy of this email to the Clerk, I am requesting the opportunity to speak at the Statutory Public Meeting on March 8, 2023.

Attached is my letter to MNRF Integrated Aggregate Resources Section dated when the PCQ Application for license was posted to the ERO.

I have some additional questions and requests:

Will the Region Planning Department Report/Comments/Recommendations be made available in advance of the meeting?

Will there be a time limit placed on the presentations? Note that my letter to MNRF was extensive, and raised numerous questions and concerns. To express these in a confined time limit will be extremely difficult.

Numerous additional issues have come to light with subsequent submissions and postings to the PCQ website including:

- Assessment of the New Humberstone Speedway past uses and potential contamination – A Phase 1 and 2 ESA was conducted and presented with a conclusion that further study would be conducted prior to progressing onto that site. However, if the site is not remediated in advance of further quarrying towards this area, the dewatering will potentially draw contaminated water from this area and discharge it to the Wignell Drain, and subsequently it will reach Lake Erie. This can be substantiated by the hydrology and hydrogeology assessments which predict a drawdown of the groundwater level up to 1000m from the proposed quarry extension.
- The proposal to realign the upper reach of the Michener Drain will greatly affect the water balance of the Carl Road wetland. The realignment would redirect the drainage around the wetland. The volume of aggregate available in this tab has not been provided. The small tab that would potentially be made available for extraction is insignificant in available total volume of aggregate (about 3 months to deplete), has a 10m – 12m depth of overburden, as well as not being quarried for 40 – 50 years if granted rezoning and licensing. If Phase 3 is not rezoned, the upper reach realignment will not be necessary, the wetland will remain somewhat protected, and rezoning could be applied for if and when it is imminent.

If you are available, I would welcome an opportunity to discuss this with you via phone [REDACTED]

Sincerely, and with Thanks,

[REDACTED]

From: Norman, Sean [mailto:Sean.Norman@niagararegion.ca]

Sent: February 6, 2023 11:28 AM

Subject: Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Expansion of Port Colborne Quarries Pit 3

Please see attached a Notice of Statutory Public Meeting for the proposed expansion of the Port Colborne Quarries Pit 3.

The purpose of the meeting will be for Regional Council to hear and consider public comments related to the proposed Regional Official Plan Amendment.

The public meeting is scheduled for **Wednesday March 8, 2023 at 1:00 p.m.** and will be held as part of the Region's Planning and Economic Development Committee Meeting. **A hybrid meeting allowing both in-person and virtual attendance is planned.**

Copies of the applications and supporting documents are available via the Port Colborne Quarries website at Port Colborne Quarries website <https://portcolbornequarries.ca/> .

A separate Statutory Public Meeting in regards to the Local Official Plan Amendment and Zoning By-Law Amendment will be held by the City of Port Colborne on Tuesday March 7th, 2023. Separate notice of this meeting will be distributed by the City of Port Colborne.

Feel free to contact me should you have any questions regarding this matter.

Regards,

Sean Norman, PMP, MCIP, RPP

Senior Planner

Planning and Development Services, Niagara Region

Phone: 905-980-6000 ext. 3179 Toll-free: 1-800-263-7215

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Norman, Sean

From: [REDACTED]
Sent: Thursday, February 23, 2023 4:49 PM
To: Norman, Sean
Cc: Clerks; Acs, Erik
Subject: RE: Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Expansion of Port Colborne Quarries Pit 3
Attachments: PTL_Norman_2ndJART_Response-Pages 46-47.pdf

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Thank You Sean,

In addition, I Cc'd you on an email with letter attached to MNRF on Aug. 8, 2022 regarding the North Tab – referenced as Phase 3. I can re-forward that letter if necessary.

It would be helpful if PCQ would respond to the question of how much aggregate is actually available in the North Tab, north of the Wignell Drain.

Also, the letter response to you from IBI dated Oct. 4, 2022 contains numerous errors in reversed designations of North and South (page 3), reversed slope ratios of V:H in the text and Tab B Revised Site Plan Notes (pages 46-47 attached) and Phase 2 (e) page 48 and 49 , and the X-section direction C-C in the Site Plan drawings.

Please do not hesitate to contact me for any clarifications of the above.

Sincerely,

From: Norman, Sean [mailto:Sean.Norman@niagararegion.ca]

Sent: February 23, 2023 3:07 PM

To: [REDACTED]

Cc: Clerks <clerk@niagararegion.ca>; Acs, Erik <Erik.Acs@niagararegion.ca>

Subject: RE: Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Expansion of Port Colborne Quarries Pit 3

Hi [REDACTED]

Thanks for confirming. We will ensure that your letter is included as correspondence on the March 8 agenda in support of your presentation.

The format of the Statutory Public Meeting is for members of the public to make presentations/delegations in front of Planning Committee. This is not the correct forum for you to ask questions directly to the applicant.

If you have any specific questions on the application – please provide them in writing and we will work on getting the answers, either before or shortly after the public meeting.

Regards,

Sean Norman, PMP, MCIP, RPP

Senior Planner

Planning and Development Services, Niagara Region

Phone: 905-980-6000 ext. 3179 Toll-free: 1-800-263-7215

Sent: Wednesday, February 22, 2023 3:45 PM

To: Norman, Sean <Sean.Norman@niagararegion.ca>

Cc: Clerks <clerk@niagararegion.ca>

Subject: Re: Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Expansion of Port Colborne Quarries Pit 3

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Hi Sean,

Please include the letter as part of my submission. I have prepared a shorter single topic for my verbal presentation.

I have a question about the format of the Region Planning Committee meeting:

Will the proponent be present, and available to field questions? Since the application is 10's of 1,000s of pages, it may be easier if they just answered some questions to eliminate the need to refer to the report contents.

Stay Safe,

On Wed, Feb 22, 2023 at 3:29 PM Norman, Sean <Sean.Norman@niagararegion.ca> wrote:

Hi [REDACTED]

We just wanted to confirm – are you requesting that your attached letter be part of your submission for your March 8 presentation, or will you be covering this information in your presentation.

Regards,

Sean Norman, PMP, MCIP, RPP

Senior Planner

Planning and Development Services, Niagara Region

Phone: 905-980-6000 ext. 3179 Toll-free: 1-800-263-7215

From: [REDACTED]

Sent: Monday, February 13, 2023 12:19 PM

To: Norman, Sean <Sean.Norman@niagararegion.ca>; Clerks <clerk@niagararegion.ca>

Subject: RE: Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Expansion of Port Colborne Quarries Pit 3

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Thank You for the response Sean,

As you have already experienced, aggregate applications are extensive. There were numerous concerns with this application for licensing, and I understand there were numerous submissions to the MNRF Integrated Aggregate Operations Section for the posted ERO.

As an example of how complex this application is, the notice of application was published on Jan. 26, 2021. There are currently 72 documents on the PCQ website, and no notification is published that studies/reports are amended, requiring frequent checking of the website for changes.

My letter to MNRF and Port Colborne Quarries (PCQ) was 8 pages which covered some 50 items, and the response by IBI on behalf of PCQ was also 8 pages. I believe a copy of this correspondence is already with RMN. If it is not, please contact me and I will provide it. To cover all this information in a 10 minute presentation time frame is near impossible.

Respectfully,

[REDACTED]

From: Norman, Sean [<mailto:Sean.Norman@niagararegion.ca>]

Sent: February 13, 2023 9:11 AM

To: [REDACTED] Clerks <clerk@niagararegion.ca>

Subject: RE: Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Expansion of Port Colborne Quarries Pit 3

Hi [REDACTED]

This Statutory Public Meeting is for council to hear input from the members of the public. No staff recommendation is being made, and no decision of council is being requested.

Therefore there will not be a staff recommendation report. There will be a brief staff report providing information on the project and the public meeting. That report will be available about 1 week in advance of the meeting on the Region's website.

Typically presentation/delegations are limited to 10 mins.

Regards,

Sean Norman, PMP, MCIP, RPP

Senior Planner

Planning and Development Services, Niagara Region

Phone: 905-980-6000 ext. 3179 Toll-free: 1-800-263-7215

From: [REDACTED]

Sent: Monday, February 6, 2023 1:11 PM

To: Norman, Sean <Sean.Norman@niagararegion.ca>; Clerks <clerk@niagararegion.ca>

Cc: D Deluce <ddeluce@npca.ca>; david.shulz@PortColborne.ca; [REDACTED]

Subject: RE: Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Expansion of Port Colborne Quarries Pit 3

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I have some additional questions and requests:

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Will there be a time limit placed on the presentations? Note that my letter to MNRF was extensive, and raised numerous questions and concerns. To express these in a confined time limit will be extremely difficult.

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- Assessment of the New Humberstone Speedway past uses and potential contamination – A Phase 1 and 2 ESA was conducted and presented with a conclusion that further study would be conducted prior to progressing onto that site. However, if the site is not remediated in advance of further quarrying towards this area, the dewatering will potentially draw contaminated water from this area and discharge it to the Wignell Drain, and subsequently it will reach Lake Erie. This can be substantiated by the hydrology and hydrogeology assessments which predict a drawdown of the groundwater level up to 1000m from the proposed quarry extension.
- The proposal to realign the upper reach of the Michener Drain will greatly affect the water balance of the Carl Road wetland. The realignment would redirect the drainage around the wetland. The volume of aggregate available in this tab has not been provided. The small tab that would potentially be made available for extraction is insignificant in available total volume of aggregate (about 3 months to deplete), has a 10m – 12m depth of overburden, as well as not being quarried for 40 – 50 years if granted rezoning and licensing. If Phase 3 is not rezoned, the upper reach realignment will not be necessary, the wetland will remain somewhat protected, and rezoning could be applied for if and when it is imminent.

If you are available, I would welcome an opportunity to discuss this with you via phone (905)708-2177.

Sincerely, and with Thanks,



From: Norman, Sean [<mailto:Sean.Norman@niagararegion.ca>]

Sent: February 6, 2023 11:28 AM

Subject: Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Expansion of Port Colborne Quarries Pit 3

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Feel free to contact me should you have any questions regarding this matter.

Regards,

Sean Norman, PMP, MCIP, RPP

Senior Planner

Planning and Development Services, Niagara Region

Phone: 905-980-6000 ext. 3179 Toll-free: 1-800-263-7215

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February 26, 2023

Sean Norman, PMP, MCIP, RPP

Senior Planner

Planning and Development Services, Niagara Region

Phone: 905-980-6000 ext. 3179 Toll-free: 1-800-263-7215

Thank you Sean for the notification regarding: Notice of Statutory Public meeting | Regional Official Plan | Expansion of Port Colborne Quarries Inc. Pit 3.

My intention was to speak as a delegate at this meeting, however the date of March 8, 2023 is in conflict with previously scheduled commitments.

Therefore I will submit the following (and attachment) as correspondence and would appreciate having these attached to the March 08, 2023 meeting agenda.

First, my comments are specific to the expansion of Pit 3 into the lands known as "The New Humberstone Speedway" and that I remain committed to my previous comments and submissions regarding the Speedway lands dated April 06, 2021.

To date, I believe that we (the public) have not seen a **Robust Process Control Plan** from Port Colborne Quarries Inc. A Control Plan that concisely and clearly documents the step by step process / processes that will be used to address the years of contamination at this property. This document must include **Risk Assessment Documentation**. The Risk Assessment will clearly identify all process related risks associated with the remediation / cleanup of all above and below ground contaminants including contingency plans related to those risks.

To date, Port Colborne Quarries has not provided a realistic date (timeline) as to when they would be starting the remediation process of the lands known as The New Humberstone Speedway. The concern here is that inspection and testing results have been completed and we believe that by the time the encroachment / expansion of Pit 3 even comes close to the speedway lands, a very significant amount of time will have taken place. Thus making those results outdated. Overtime it is reasonable to expect that those contaminants identified and some possibly not identified during the studies could or will have already migrated to other areas of the speedway property and adjacent lands.

Therefore as the Pit 3 expansion process proceeds, undetected pockets of contaminants could be disrupted exposing them to the atmosphere. This disruption will also put above and below ground water at risk. Additional testing would, in my opinion, would be required.

I would like to point out that on April 06, 2021, I had objected to the initial PCQ proposal which was to build berms from the material at the speedway site. Eventually, when mining of the site was completed, they would use the material from the berms for sloping the sides of the Pit 3 to create a passive lake which would be into the exposed aquifer as the drawdown of the groundwater table will already extend to the contaminated part of the site. Reinforcing the fact that the Humberstone Speedway Lands be completely remediated well before quarrying encroach upon those lands.

It is important to note that shortly after my objections were heard, Port Colborne Quarries Inc. retained WSP Engineering Consultants to conduct the Phase 1, Phase 2 Environmental Site Assessments.

Posted on the WSP website there is an article entitled “How to Manage Soil from Brownfields Under Ontario Regulation 406/19”. It describes in detail the services and processes that WSP uses.

To quote from the article: “Our experts understand Ontario’s Regulation 406/19, how it can affect the feasibility of your project, as well as the opportunities”.

To further quote from the document under the item: **Learn the History of Your Excess Soil** – referencing sub item **CHECKPOINT** – Do you need to study groundwater flows to see where those impacts might be migrating to / from?”

Question: Why are the recommendations in this article **NOT** recommended for the New Humberstone Speedway lands?

The article was written August 28, 2020 – Authored by Carl Schroeder and Brian Whiffen – WSP.

Finally, regarding the realignment of The Port Colborne Drain (Wignell and Michener). Since the realignment of the drain / drains is required to accommodate Port Colborne Quarries Inc. Pit 3 expansion plans, I feel that it would only be fair that the Quarry bear all costs associated with the realignment and be responsible for continued maintenance . This should not be the responsibility or a shared cost to the adjacent property owners, The City of Port Colborne or to the Regional Municipality of Niagara.

Sincerely,

Gary B. Gaverluk
Vice President: The NWPA
Email: g.gaverluk@sympatico.ca
Cell: (905) 932 – 2701
TheNWPA@gmail.com
Follow us on [Facebook](#)

Norman, Sean

From: [REDACTED]
Sent: Wednesday, March 1, 2023 9:05 AM
To: David Schulz; Norman, Sean
Subject: Port Colborne Quarry application for extension of Pit 3 (actually Pit 4)

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good morning gentlemen

I offer my thoughts on this application

#1 - quarrying below water table - please acknowledge the importance of protecting the vulnerable aquifer here , that is a source of our drinking water for many rural residents and farms . Since the quarry has not rehabilitated the other mined out pits as per the agreement with the city of Port Colborne dating back to early 70's and they still pump out water from those pit s- I respectfully submit that there is a serious disconnect to protecting that aquifer and quarry operations .

Allowing the mined out pits to fill with water by ceasing pumping allows the aquifer to recharge which in turn helps protect our water source in the rural community .

#2 reducing setbacks from 90 m to 30 ? Our experience of the blasts now without expansion has been getting worse . We have reported in to the quarry when our house has shook from the ground up ...if anything is reduced we will experience even worse episodes and damage . Unfortunately the quarry does not have a good track record of repairing damage . I know of one instance that they did and those folks fought an uphill battle . It involved their well going dry ,,and it was with the previous owner of quarry many years agono one else gets cracks fixed to walls,garage floors or cisterns that i know of . So please keep the setbacks to protect the neighbours of this quarry .

#3 as land owners , tax payers , as people who have lived here on Weaver rd since 1975 , I acknowledge the right of the quarry to exist , I appreciate the jobs provided to our community , the aggregate mined that is needed in Ontario . I also expect the same respect and acknowledgment to live , enjoy and protect my biggest investment - our home . We have a right to be here too and must find a reasonable way to coexist with the quarry .

My thanks for accepting this letter as our submission from [REDACTED]
[REDACTED]

Sincerely

[REDACTED]

Norman, Sean

From: [REDACTED]
Sent: Wednesday, March 1, 2023 9:05 AM
To: David Schulz; Norman, Sean
Subject: Port Colborne Quarry application for extension of Pit 3 (actually Pit 4)

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#3 as land owners , tax payers , as people who have lived here on Weaver rd since 1975 , I acknowledge the right of the quarry to exist , I appreciate the jobs provided to our community , the aggregate mined that is needed in Ontario . I also expect the same respect and acknowledgment to live , enjoy and protect my biggest investment - our home . We have a right to be here too and must find a reasonable way to coexist with the quarry .

My thanks for accepting this letter as our submission from [REDACTED]
[REDACTED]

Sincerely

[REDACTED]

Dear Deputy Clerk,

March 2, 2023-03-02

The Official Plan and Zoning By-Law Amendment (Files D09-02-21 & D14-09-21) which proposes to change the designation of subjects lands, and to reduce the minimum setback from a Provincial Highway, threatens to negatively impact our property directly, and the organisms and their habitats, in the subject lands.

I have enclosed letters, previously submitted to your office, which summarize some of my concerns. While I have received a response to my first letter, several issues were not addressed, and others were unsatisfactorily resolved, and therefore, remain areas of objection.

Given that it has been almost two years since the first letter was submitted, and that several objections remain unresolved, I ask that these letters be included, for consideration in regards to the decisions being made about the Zoning By-Law, and the Provincial Highway setbacks.

Thank-you for your consideration,

Sincerely,

[Redacted signature block]

Port Colborne Quarries Inc.
c/o Shawn Tylee
222 Martindale Rd
P.O. Box 1116
St. Catharines, ON L2R 7A3
stylee@rankinconstruction.ca

Ministry of Northern Development, Mines,
Natural Resources and Forestry
Integrated Aggregate Operations Section
4th Floor South, 300 Water St.
Peterborough, ON K9J 3C7
NDMNRF File #626511
ARAApprovals@ontario.ca

[REDACTED]

Follow up to your response to my PCQ Expansion Objections letter dated April 12, 2022

April 20, 2022

Dear Mr. Sisco,

Thank-you for your response to my Objections to the PCQ Expansion of Pit 3 proposal.

I feel that it is necessary to seek further clarification to your responses, as at present, I am not satisfied that "mitigating measures will be taken to protect both, the fish, which are still, but more rarely, seen in the Wignell Drain, and their habitat, from adverse effects in accordance with a Category 2 quarry". You state that, 'Pike spawning habitat was not identified in the East Wignell Drain on or adjacent to the site during the fish habitat surveys...'. Who conducted those studies? , and what time of year were they conducted? The pike that I saw in the drain on our property were moving in late February and early March. So far as your *Phragmites australis* deflection, that pike 'may' be prevented from accessing the northern reach of the drain, I know that if they were 'prevented', then their carcasses would be littering the edges of the drain for a kilometer downstream from the obstruction. When I was a teenager, I was working for a sod company north of Oakville in the period of rapid expansion and construction there. One lunch break I decided to investigate the sound I heard coming from the culvert nearby. We discovered thousands of salmon trying to follow the drains to their spawning grounds, which were so numerous that they absolutely choked the drain. They would not be 'prevented', and neither will these pike, by some vegetation! PCQ needs to implement their rehabilitation plan before they begin to excavate in the proposed expansion of Pit 3.

Your last statement in your first response, 'It is therefore not anticipated...any downstream pike spawning habitat, if present.' The concern here is not the downstream effects, but the upstream effects

where the failure to implement the rehabilitation plan in a timely fashion, will deny those spawning pike access to the upstream spawning beds.

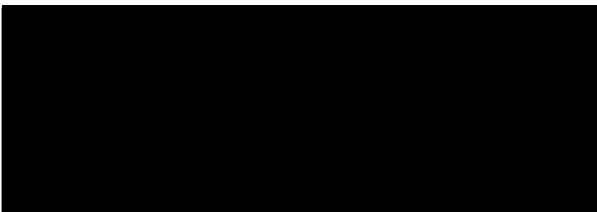
You state in your response, 'that the Planning Justification Report...included documents that confirmed no ecological impacts will occur because of extraction of the Pit 3 Extension.' You then state, 'The ponds located on the Humberstone Speedway property have been confirmed as habitat for snapping turtle.' These two statements are contradictory. You suggest that the rehabilitation plan will address this issue by creating new habitat for the turtle, however, given the evidence of past performance, PCQ has not yet even rehabilitated Pit 2 which has been exhausted for over 20 years. My question is, how long are these turtles reasonably expected to wait for their new habitat? You further suggest that, 'Following rehabilitation, it is not anticipated that the proposed quarry expansion will negatively impact snapping turtle movements'. This statement may be true, if you did not qualify it with the statement later in the same paragraph which states, 'Subject to the implementation of the rehabilitation plan, it is not anticipated...'. You may as well say, *'In a perfect world, where the applicant was actually interested in the ecological impacts on organisms and their habitats, and actively put their rehabilitation plan into practice before either or both, the organism, and the habitat are destroyed, it would not be anticipated that the proposed quarry expansion will have a net negative on snapping turtle, its aquatic habitat or movement corridors.'* My objection is that your client has already acted with impunity in their actions in the existing Pit 3 operations. The swampy field on the east side of Babion Road which was once turtle and pike habitat, is gone! That is a fact! When Pit 3 opened in around 2000, no measures were taken then to protect either organism or their shared habitat. Now you hide behind a rehabilitation plan which, if based on evidence of past PCQ Inc. practice, will never be implemented, or if it is, will be implemented too late. That is not acceptable.

The proposed wetland vegetation monitoring program plan to monitor unanticipated negative impacts of the proposed extraction of Phases 1B, 2 and 3, is a good idea, but who will see to it that the plan is enacted? Enforced? Again, based on evidence of past PCQ Inc. practice, I am not confident that this will be done.

The remaining issues that I addressed in my original letter were apparently overlooked or disregarded, and no comment was made to explain why. In brief the concerns were, 1. The sediment in the effluent from the quarries flowing across our property; 2. The effects in our household ground (well) water from blasting; 3. The effects of blasting on our house foundation, and on our out buildings; and 4. The failure by PCQ to remediate Pits 1 and 2 in accordance with the 1982 rehabilitation plan.

I look forward to your feedback on both, those previously addressed, and those previously overlooked.

Sincerely,



Port Colborne Quarries Inc.
222 Martindale Rd.
P.O. Box 1116
St. Catharines, ON., K9J 3C7

Ministry of Natural Resources and Forestry (MNRF)
Integrated Aggregate Operations Section
4th Floor
300 Water St.
Peterborough, ON., K9J 3C7



PCQ Expansion Objections

April 6, 2021

Regarding the proposed expansion of the Port Colborne Quarries Inc. (PCQ) Pit 3 of Licence #4444, operated in Port Colborne, Ontario, I wish to put forth several objections out of concern for; 1) the migration and spawning of northern pike in the Municipal (Wignell) Drain that originates, in part, and flows across, the property of the proposed quarry expansion. Additionally, I have concerns about, 2) the quality of the water, pumped from their quarries which flows across our property; 3) the effects on the quality and quantity of water produced by my household well; and 4) the reduction of the setbacks from 90m to 30m along Highway 3 East.

1) I have lived with my family, on a 4.05 ha farm at [REDACTED], Port Colborne since 1998, which was before PCQ began to prepare the property on the East side of Babion Rd. for quarrying. I took photographs of the intermittently marshy field there, which was still a spawning bed for northern pike. The adult fish migrated up the Wignell Drain from Lake Erie, across our property and ended up in that field to spawn, before returning to Lake Erie also by the Wignell Drain.

I was interested in the behaviour of the pike which I, and my neighbours, had seen each Spring migrating upstream, across our properties in the same Wignell Drain. I was disappointed back then, that, it at least appeared, that no measures were taken by PCQ, or the MNRF to protect these pike and their spawning area before quarrying began. Now, as I study the present proposed expansion of PCQ Pit 3, I need some assurances that mitigating measures will be taken to protect both, the fish, which are

still, but more rarely, seen in the Wignell Drain, and their habitat, from adverse effects in accordance with a Category 2 quarry.

2) Several years ago, we supported our youngest son's interest in growing organically-grown vegetables, and salad greens on our property, and selling them at the Port Colborne Farmers Market. He had set up an irrigation system which drew water from the Wignell Drain, but by mid-summer, customers began to complain about the chaulky deposit on his fresh produce. We determined that the chaulky sediment originated in the irrigation water taken from the Wignell Drain. We determined that PCQ, uses the Wignell Drain to dispose of their waste water, the products of the aggregate finishing process. I could not help but think about the effects of these sediments, on other organisms as they settle out onto the Wignell Drain floor, or on the floor of Lake Erie into which the Wignell Drain flows.

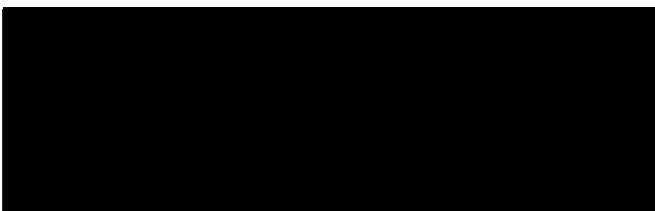
3) Thirdly, our house water treatment system includes a 5 micron sediment filter which I have often found to be clogged with a black deposit. Then, last summer, on two occasions, I was using the untreated water from our well with the garden hose, when a blast at the quarry could be heard. Within moments of the blast, the flowing water turned black for 2-3 seconds before clearing again. Some blasts seem stronger than others, and their effects are seen everywhere on our property from the barn, garage and basement floors, to the brickwork on our century-old home.

4) The proposal to reduce the setbacks along Highway 3 from 90m to 30m can only increase the damage sustained by our home and outbuildings. Having worked for several years in an iron-ore mining town, where blasting occurred several times per day, and having worked as a Seismologist for Energy, Mines and Resources, for 2 years, I am familiar with the blasting process, and its transmission through the atmosphere, and the bedrock. While it may be difficult to prove the correlation between the damage to our buildings, and the blasting, denying that there is a connection, I feel is naive.

The sequence of PCQ's Pits 1, 2, and 3 extend from approximately 1 km west of our home, to approximately 1 km east of our home. Collectively, these three pits have the effect of drawing down water, northward toward the deeper "wells" which are these quarries, from the aquifer, away from our well. The proposed expansion of Pit 3, could potentially result in threatening the water supply upon which we rely. This is perhaps my most significant concern.

I look forward to your feedback regarding any of the above outlined concerns.

Sincerely,

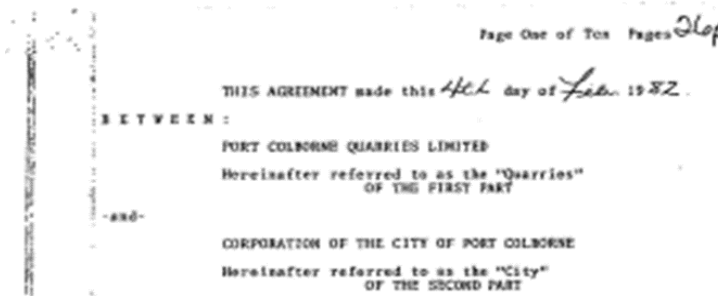


Amendments to the ROP, MOP and Zoning By-Law Requested by Port Colborne Quarries

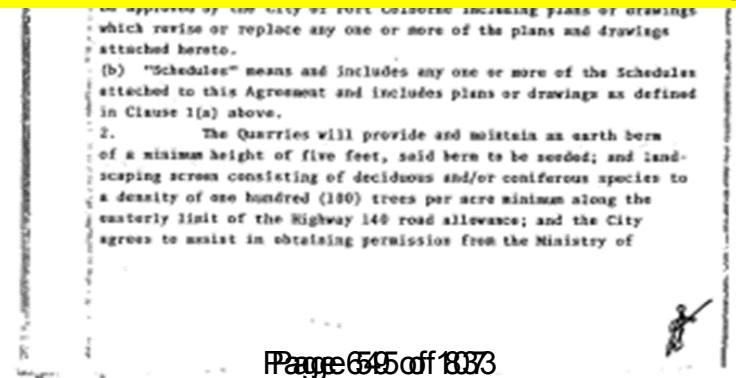
In the Past



In the Past



In 1982 after two years of negotiations between the City and PCQ a Site Plan Agreement was reached to progressively rehabilitate Pits 1, 2, and 3 to a passive recreational lakes as a condition to allow them to mine the subject lands



Visions of 1982 Recreational Lake





2010Hotel & Prestige Industrial Site



Time Line

- **1982 Site Plan Agreement for Passive Recreational Lakes**
- **2010 Hotel and Prestige Industrial Complex**
- **2014 Precast Concrete Manufacturing**
- **2016 Application to Rezone for Heavy Industrial**
- **2018 Application for Site Alteration Permit for landfilling of Excess Fill in Pit 1**

Today



No Recreational Lake

Today



No Hotel or Prestige Industrial Complex

NOW

- PCQ wants to amend the zoning from Agricultural to Mineral Aggregate
- PCQ wants to mine in the aquifer
- PCQ wants reduced setbacks from 90 to 30 meters
- PCQ claims they will rehabilitate the quarries
- PCQ claims this will provide economic prosperity

Speedway Fill

Fill place on site of PCQ Expansion

Figure 1: Google Maps aerial view



Figure 2: Google Maps view from Miller Road



The Future



Get your crystal balls out and what do you see the future legacy for Port Colborne and its residents will be in 60 years if we continue like this.

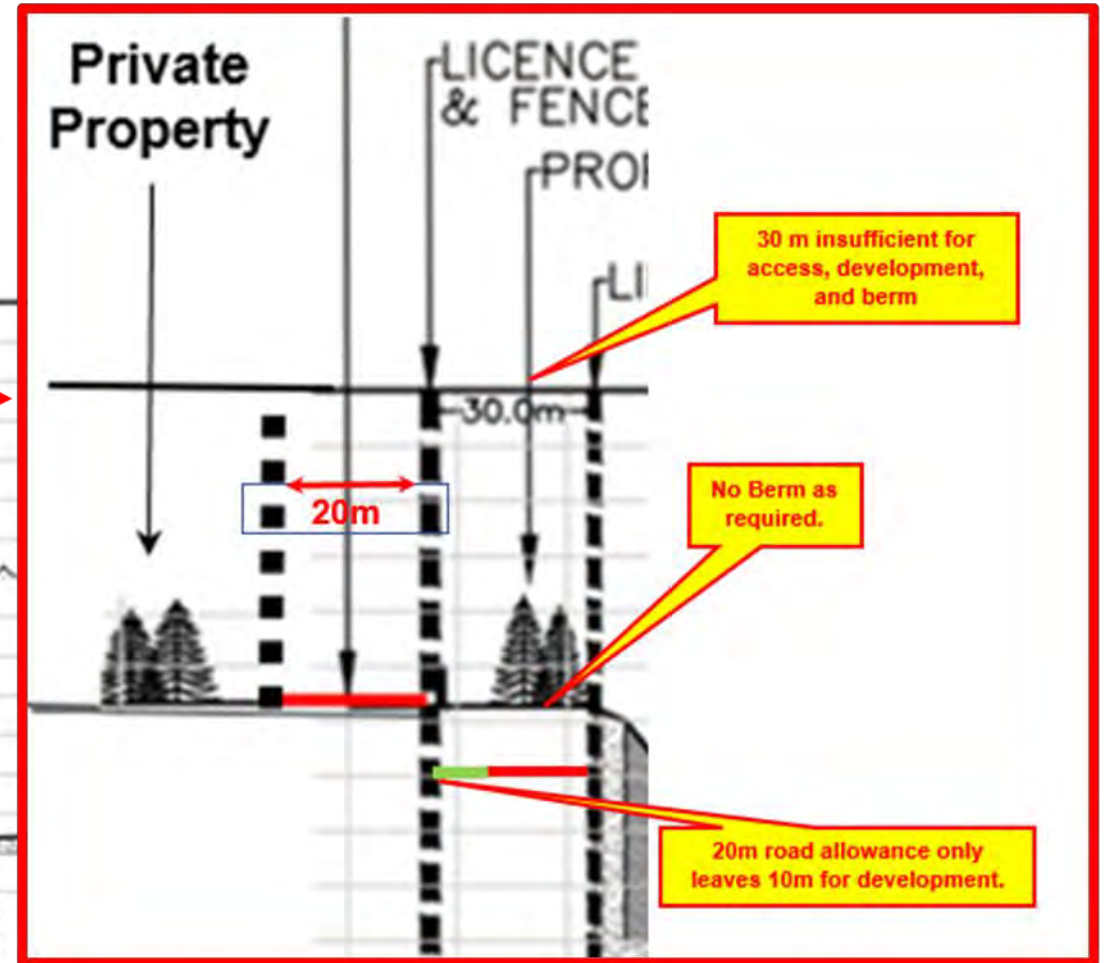
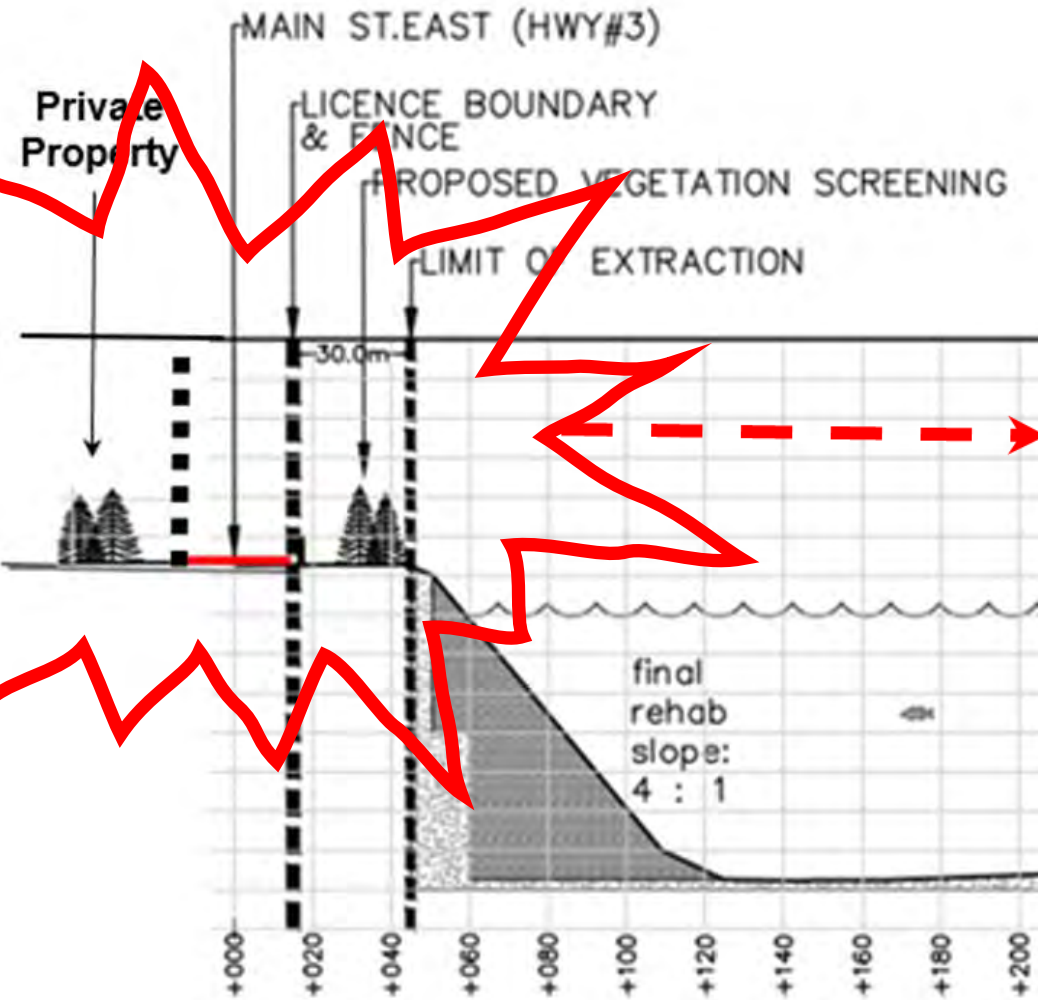
Learning from the Past

- ***“Those that fail to learn from history are doomed to repeat it.”*** Winston Churchill
- The German philosopher Georg Hegel famously said, ***“The only thing that we learn from history is that we learn nothing from it.”***
- Stephen Hawking said ***“We spend a great deal of time studying history, which, let's face it, is mostly the history of stupidity.”***
- ***“The Best Predictor of Future Behavior Is Past Behavior”*** Mark Twain

Is this our Future?

- Past performance would predict that there will be no rehabilitation of these Pits into passive recreational lakes or anything compatible with the residential development planned for the future.
- This is supported by continued efforts resisting the rehabilitation of the depleted Pits and efforts to have them rezoned for heavy industrial or landfilling uses.
- This is enabled by those we elect and employ with the knowledge, authority and responsibility to act in our best interest.
- Will we not learn from the past, or will we end up here again repeating this again and again, suffering from poor decisions?

Proposed Setback from 90 to 30 Meters



Setback Comparison 90 to 30 meters

Figure 12

Recreation of Figure 11 of the view easterly with a 90metre setback along Highway 3



Figure 13

Recreation of Figure 11 of the view easterly with a 30metre setback along Highway 3



Figure 14

The view driving east on Highway 3 entering the City.



Figure 15

Recreation of Figure 14 of the view westerly with a 90 metre setback along Highway 3 at the proposed location of the Pit 3 expansion



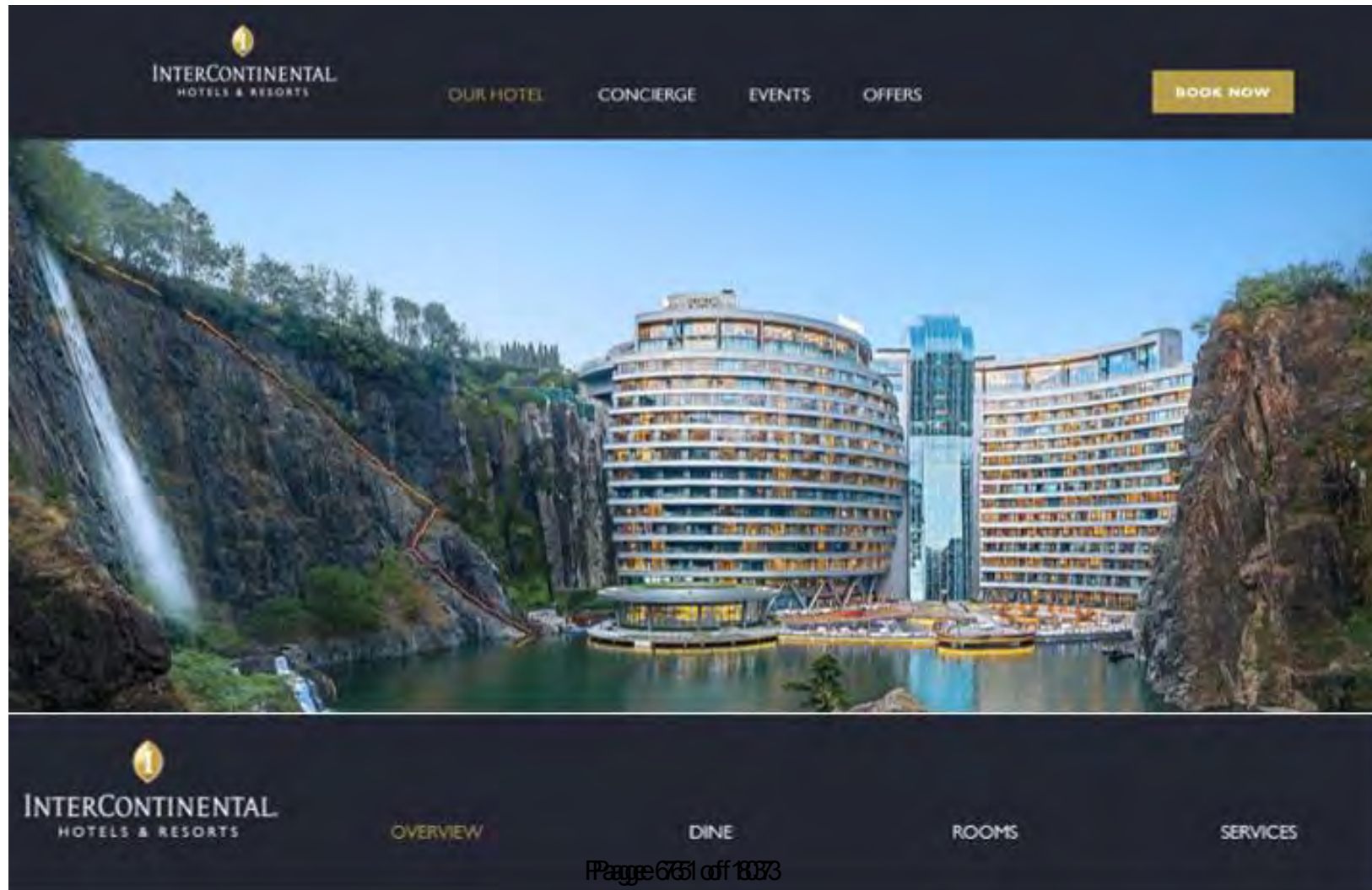
What could the Future be ?

- We have the knowledge and ability to make the right decisions today to shape the future in the way we want it to be. We just need to make them!
- Here are some proven ideas that would provide continual economic prosperity, conformity to the PPS, protect the aquifer and benefit the Region and really make

Port Colborne that little City in a big way.

What the Future Could Be

Shanghai's Underwater Quarry Hotel



The Estate on Quarry Lake Apartments

<https://www.estateonquarrylake.com>



Water Front Residential



Similar to the residential development around the Cement Plant Quarries

A Floating Residential Community



This would increase residential tax base well into the future and address the some of the housing issues we face today.



Aquatic Farming



Fish farming it's not agricultural but it will make the quarries productive food generators like the land was in the past.

In Closing

- **Implement conditions that must be met in exchange for the amendments being requested and enforce the conditions.**
- **Make the conditions that will allow accessing the resources on a temporary basis as intended by the Aggregate Resources Act and [REDACTED] in the best interest of the Region, City and our residents and visitors.**
- **Make the conditions so the Aquifer is protected and the [REDACTED] influenced as required by the Provincial Policy Statement.**
- **Make the conditions such that they will benefit the Region and City progressively while quarrying and [REDACTED] into the future as a minimum.**
- **This is the time to make the correct decisions and do what is right for all of our futures.**

**WE CAN DO
IT RIGHT!!!**

Thank you !!!

Objection to Rezoning the land for PCQ Pit #3 Extension. 10 minute read

In 1936 Dale Carnegie published the Book **“How to Win Friends & Influence People”**. In the next few minutes my intension is to influence your decision by having applied one of his principles. The principle is **“Try honestly to see things from the other person’s point of view”**. In trying to put myself in your position, I recognize that you have been democratically elected and given the power to make this decision. I have often said we can make good decisions if we have good information. What I want to share is information that I have aquired and my perspective, and interpretation, of that information.

First and foremost, I want to talk of the financial opportunity. For the past 150 years there has been farming done on the proposed Pit #3 Extension. If rezoned, the tax base will increase for the 45 year life of the quarry. Based on the Acadis/IBI Group estimate, the City will **gain \$9120** from the quarry and **lose \$4830** from devaluation of properties within 1 km of the new boundaries. That is a **net gain of \$4290/yr**. As Acadis/IBI Group pointed out, this equates to **\$1.03 million** over the 45 year life of the extension. I prefer to go the other direction and if PCQ operates 5 days a week for 50 weeks a year it equates to increased revenue of **\$17.16/day**. But what happens after the life of the Quarry, say, 100 years from now. If you don’t rezone, there will still be a tax base. Farmland and Residential taxes are set by the Municipality. Industrial tax is set by the Municipal Property Assessment Corporation (MPAC). I’m told the business tells MPAC what they do. Then MPAC assigns a class and assesses a property value. They then tell the Municipality what they can charge. In this process, you give away your power. What if in 50 years, when all the aggregate is gone and the propety is becoming a passive lake, the owner decides its a liability and abandons it. MPAC can classify it as “exempt”. If that happens the tax revenue goes to zero.

Also, when the aggregate stops flowing, so does the fee from The Ontario Aggregate Resource Corporation (TOARC). The fee is intended to offset higher road maintenance costs due to incresed truck traffic within the City.

So don’t surrender your power!

My 2nd point is that you can predict how people will act in the future based on what they have done in the past. Its used, all the time, when interviewing for jobs. I believe it also applies to the management of a company.

In 1982, the Council, of the day, negotiated that Pit #1 would be rehabilitated, similar to Pit #2, which, by permit, would become a passive recreational lake.

I must say, on the one hand, I was heartened when PCQ withdrew there request for a Site Ateration Permit and said they were not pursuing the plan to back fill Pit 1 with excess construction material. On the other hand, I was disheartened when a different PCQ manager immediately said, not at this time.

When Rankin Construction bought PCQ in 2007 It came with the 4444 permit. The permit states that Pit 2 and Pit 3 were to have the walls of the quarry progressively rehabilitated as material was mined. This was not done by previous owners and, until recently, has not been done by PCQ.

Ontario Stone, Sand and Gravel Association (OSSGA), in their brochures, make reference to the practice of progressive rehabilitation. It is likely a requirement of every permit that is issued by the Ministry of Natural Resources and Forestry (MNRF). Yet, PCQ has not followed a practice that is required by permit and highlighted by an Association of which they are a member.

I am concerned PCQ will act in their financial best interest and not the interest of humanity.

I want to see the water in the Onondaga Aquifer continue to flow as it has for eons of time. The permit that PCQ is seeking is a risk to that flow. It is not just my opinion but that of hydrogeologists from EcoMetrix. In their report, they wrote the following, **“The Onondaga aquifer, which is the main aquifer in the area, is in the similar limestone unit from which PCQ produce crushed aggregate. The aquifer is a karstic limestone unit which is the source of drinking water supply for the majority of local residents in the area. The karst represents holes, cavities and channels that formed in the rock over geologic time as a result of groundwater flowing through and dissolving the rock. The high permeability associated with karstic limestone enables fast flow of water into and through the subsurface, and rapid flow can occur over long distances that can be through uncertain pathways. In general, karstic aquifers are susceptible to groundwater contamination. In such aquifers, contamination can spread rapidly and can endanger downgradient water supply wells”**.

That is the opinion of an expert. I recently attended a Committee of Review to do with the Drainage act. The representative from PCQ made it clear that they hire experts to represent them. This is a good thing.

However, there are some things for which you don't need an expert. One of them is the need for clean water. If you need proof, try living without it for a week. You will become so dehydrated you may experience headache, dizziness, and fatigue. Afterall, the human body is about 60% water, our brain is about 73% water, and blood is about 80% water.

For quite a while I thought the solution was to stipulate that the licence for the extension be a **Class A** which would mean the quarrying is above the water table. I was in favour of such a license. However, I changed my opinion when I found out that the Municipality is responsible for rezoning an area and then its the MNRF who issues a permit for the volume based on that zoning. In this process, the City relinquishes control at the Municipal level and gives it to the MNRF at the Provincial Level. Furthermore, if a **Class A** permit is issued and later an application for **Class B** permit is requested, the municipallity is powerless to make stipulations.

So don't surrender your power!

Finally, I am borrowing a thought, and strategy, that I heard while attending a zoom meeting put on by RGMC. They are a Coalitin of interested parties that believe Gravel Mining needs to be Refomed. They are pushing for a temporary stop to issuing permits to pits and quarries. Their main point is there are permits issued for 11 times more supply than there is demand for the product.

The strategy is that you can support a project but vote no as a protest against the Provincial Government's way of doing business. One issue is the recently passed **Build More Homes Faster Act**, which is using land in the Green Belt and the broken promise to protect it. Connecting the dots: Quarries produce aggregate, aggregate is used in concrete, concrete is used in home construction. A protest vote is a positive action to bring balance to the supply and demand equation.

So don't surrender your power!

I have outlined 3 reason to maintain the zoning as it is currently. You don't need 3 reasons. You need only 1.

Is it the disappearance of a tax base for future generations?
Is it humanities need for clean water and to not risk contamination of the source?
Is it protesting the attitude and action of our Provincial Government politics?

Maintain your Power, Preserve the Zoning.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

March 8, 2023

To: Members of Regional Council and Staff,

Ontario's prime agricultural land is a finite, non-renewable resource comprising less than 5% of Ontario's land base. It is the foundation for food, the local food economy, Agri-food exports, economic prosperity and the growing bio-based economy. The Provincial Policy Statement (PPS) states that Ontario's prime agricultural areas shall be protected for long-term use for agriculture and defines prime agricultural areas as areas where prime agricultural lands predominate. Agriculture is a finite resource, dependent on soil, climate, and topography.

This proposed expansion of Pit 3, should not be allowed as it does not follow the PPS for Prime Agricultural land, Environmental Conservation Area and Environmental Protection Area.

When siting, designing and operating permitted uses in prime agricultural areas, care must be taken to ensure PPS environmental policies are met. For example, the environment is clean and healthy; any undesirable effects of development, including impacts on air, water and other resources, are minimized; land, resources and biodiversity are conserved; and the quality and quantity of water resources are protected, improved and restored.

The principal use in prime agricultural areas:

- Prime agricultural areas are protected for future generations
- Land taken out of agricultural production, if any, is minimal
- Regard is given to the long-term (multi-generational) impact on prime agricultural areas
- Normal farm practices are able to continue unhindered
- Agricultural and rural character and heritage are maintained as much as possible
- Uses are compatible with agricultural uses
- They make a positive contribution to the agricultural industry, either directly or indirectly
- Servicing requirements (e.g., water and wastewater, road access, fire services, policing) fit with the agricultural context.

Under these principals an amendment to the Regional Official Plan from Agriculture to Licensed Mineral Aggregate Operation and city Official Plan from Agriculture to Mineral Aggregate should not be approved!

How will the change in designation from Agriculture to Licensed Mineral Aggregate Operation follow the PPS environmental policies?

What guarantees are there that the removal of such a large parcel of prime agricultural land for the extraction of mineral aggregate will not result in environmental impacts? Specifically the fact that it will not be replaced it to its original conditions as there is a substantial quantity of mineral aggregate resources below the water table.

What guarantees will be in place to protect the water table our natural aquifer?

How will a below water permit quarry follow the PPS environmental policies?

It is not in the best interest of the protection of the environment and the surrounding neighbours to alter the branch of the Wignell Drain that currently extends into the wetlands and woodlands in the southern portion. You can't just move the natural Wignell Drain and put in back close to where it was originally!! It is stated that it will be restored to generally its original location but no firm timeline is given. Will it be 60 years or never?

What are the long-term environmental effects of this realignment and who will be held accountable/liable for any future damage this realignment could/will cause to the surrounding area?

The minimum setbacks from a Provincial Highway should not be reduced from 90m to 30m. Setbacks are an established By-law to protect the surrounding sensitive land uses within municipalities. The reduced setback will have adverse effects on the surrounding properties and could affect the long term durability and structural foundation of Hwy 3 and the abutting landowners. Why do we have a set of by-laws and rules in place to protect the surrounding properties and the environment if they are not enforced and can be altered to suit a developer?

The applicants report states all applicable permit and design approvals for a deceleration lane shall be secured from the Ministry of Transport prior to the construction and use of this access! However, in a previous report to city council by staff it was stated that the subject site is within the MTO permit radius and ministry permits must be obtained prior to any grading /construction on site.

The report also stated that the Ministry of Transport will not allow access to Hwy 3 from the subject site!! So how will a new quarry entry/exit be established directly onto Hwy 3 when the Ministry of Transport approval has not yet been acquired and the fact it has stated previously, it would not be approved?

How will the reduced setback of 30m allow for the construction of a deceleration lane on Hwy 3? Will the Region or MTO have to expropriate land from private landowners abutting Hwy 3 to accommodate the required deceleration lanes and at what cost to taxpayers? Will these deceleration lanes reduce the setback/buffer area even more?

Is there justification from a regional prospective of how reducing the setback by 60m is protecting the established transportation corridor of Hwy 3/ Main St. and consistent with the PPS 2020 & ROPA 6? If so, where is it, if not why not?

The hours of operation are stated in the report to be 7am to 7pm, yet repeatedly in the traffic study report submitted by the applicant it states that trucking activities begin at 6:00 am, which one is it? Bearing in mind, staff shifts and the crusher machinery have started before the 7am Noise By-Law and stated hours of operation. Why are so many different facts being presented by the applicant? These contradictions reported by the applicants own studies show a continued disregard for the rules and operational standards that are there to protect the surrounding neighbourhood.

My other major concern is the fact that the unlicensed Pit 1 will be used for the processing of the blasted rock from Pit 3 which includes the crushing, screening, washing and storage of the blasted rock. There are no mitigation measures currently implemented at Pit 1 to protect the surrounding neighbourhood. No protection from the increase in noise, dust and continued contamination of the aquifer. There is also no guarantee and concrete timelines for when the processing equipment will be moved to Pit 3. It was stated at the virtual open house to be in the 12 to 15 year timeline yet at last night's meeting it was stated to be about 5 to 7 years which one is it? What agreements will be put in place to ensure these timelines are met?

Where does the accountability surrounding the continued use of Pit 1 fall under as it is an unlicensed pit? How will we be protected from the exploitation of the current rules and By-laws? Why are the mitigation measures required for the processing of blasted rock in Pit 3 not being implemented and required in Pit1 to help alleviate some of the ongoing environmental concerns mentioned above (noise/dust)?

In conclusion, the Regional and City Official Plan amendments should not be approved, nor the minimum setbacks reduced. The applicant has not proved to be a good neighbour; operates with a disregard for the protection, consideration of the surrounding environment and neighbourhood including all current operational rules, standards and By-laws.

Thank you,

██████████

Norman, Sean

From: Norman, Sean
Sent: Thursday, March 9, 2023 3:44 PM
To: [REDACTED]
Cc: David Schulz
Subject: RE: Port quarry expansion

Hi [REDACTED],

Thanks, comments received. I have copied City of Port Colborne Planning staff to ensure they are aware of your comments as well.

We will add you to the contact list for the file to ensure that you receive any future notifications on the applications.

Regards,
Sean Norman, PMP, MCIP, RPP
Senior Planner
Planning and Development Services, Niagara Region
Phone: 905-980-6000 ext. 3179 Toll-free: 1-800-263-7215

-----Original Message-----

From: [REDACTED]
Sent: Thursday, March 9, 2023 3:36 PM
To: Norman, Sean <Sean.Norman@niagararegion.ca>
Subject: Port quarry expansion

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good day Sean,

My name is [REDACTED] and along with my wife, 2 young children and many livestock have recently purchased [REDACTED].

Not long after we learned of possible quarry expansion but only after attending the port Colborne and Niagara region meetings did we learn the full scale of what was going on and what could happen.

Unfortunately I did not speak at the meetings as I was just taking this all in.

As you can imagine like most of the neighbourhood we have many concerns with this happening and need to make it known.

With the quarry being far away atm my wife who is a stay at home mum can regularly hear and feel these blasts and we are very worried moving forward that if they get any closer they will be unbearable.

Along with but not limited to our animals well being (spooked by loud bangs), our property value (will drastically decrease) and overall close proximity to civilian dwellings and ag land. We feel this is completely unacceptable to move any closer.

We just wanted to have our feeling noted and document that we are 100% against this happening.

Regards

[REDACTED]

[REDACTED]

Norman, Sean

From: Paul Fehrman <paf.farm@gmail.com>
Sent: Thursday, March 16, 2023 1:19 PM
To: David Sisco
Cc: Shawn Tylee; jmaclellan@rankinconstruction.ca; Norman, Sean
Subject: Re: Port Colborne Quarries Inc. - Pit 3 Ext

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good afternoon David,

Thank you for your responses to the questions. The email to the Niagara Region was not ours but we will see that your responses are shared.

It has always been our objective to be supportive of PCQ and appreciate the relationship with John and Shawn.

The farm address at 1577 Hwy 3, East, Port Colborne has 2 active and functioning water wells. They are used for livestock production, crop irrigation, and source water for field spraying and their availability is critical. We would appreciate it if you would include them as you stated.

Thank you for your time.
Paul Fehrman

On Fri, Mar 10, 2023 at 1:47 PM David Sisco <David.Sisco@ibigroup.com> wrote:

To Paul Fehrman,

Further to your email to John MacLellan on March 1, 2023 (and to Sean Norman c/o Niagara Region on March 2, 2023) highlighting several technical queries, please find attached PCQ Inc.'s response letter.

Thank you,

David

David Sisco BA MCIP RPP

Sr. Planner

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410 Albert Street, Suite 101

Waterloo ON N2L 3V3 Canada

tel +1 519 585 2255 ext 63210



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Regards,
Paul Fehrman, Fehrhaven Farms
Cell 905-329-6440

Norman, Sean

From: David Schulz <David.Schulz@portcolborne.ca>
Sent: Tuesday, March 28, 2023 11:14 AM
To: Norman, Sean
Subject: FW: P.C. Quarries Proposed Expansion File Numbers: D09-02-21 & D14-09-21

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FYI

To: David Schulz <David.Schulz@portcolborne.ca>
Subject: P.C. Quarries Proposed Expansion File Numbers: D09-02-21 & D14-09-21

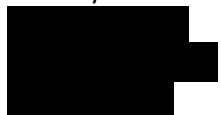
Hi, I have some concerns over the expansion of PCQ as proposed. I live on the corner of Highway #3 and Lorraine Road and have been here for 40 years. I worked at the quarry in the 70's. At that time we had to keep a log of all the water that was pumped out of the pond and we were only permitted to pump so much water into an adjacent ditch along Highway 140. Pit #2 was in operation and it was bermed, treed and the grass/vegetation was kept mowed and trimmed all along the Second Concession and Babion Road. We were only allowed to operate from 7:00 A.M. to 7:00 P.M. We could not blast if there was a low ceiling regardless of whether or not there was rock for the crusher. I have a shallow drilled well that I use as my water supply and it is only 22' deep.

My Concerns are: - My well will go dry and if it is drilled any deeper, the water will be sulphurous as one of my neighbors had one that is 28' deep and the water was black. All my neighbors will have the same problem so how will PCQ correct this problem, suppling everyone with city water perhaps?

- PCQ has been operating a portable crushing plant in Pit #3 after 7:00 P.M. Why?
- A couple of days last summer they blasted in Pit #3 and the dust came over my property and it was a good thing it was hot and the windows were closed as the dust settled on my property. You could also smell the diesel fuel and fertilizer that they toed the holes with.
- On any day when the wind is out of the north and northeast you can smell the diesel oil from the machines.
- The berms along Highway #3 should be maintained at the current standard of 90 meters to reduce noise and pollution unlike 30 that will increase both.
- I do not see how having an entrance on Highway #3 will reduce any pollution or ease traffic congestion. 90% of all the traffic from the quarry uses Highway 140, and if the quarry is sending stone down to the stone dock at the canal that will only increase the traffic, congestion and dirt on the roads from the wash plant. Leave the existing crushing plant and scale right where they are now.
- I do not see how PCQ is going to move the Wignell Drain and not impact the drainage in the area, especially if they are going to pump water into it while keeping the pit dewatered. The drain was cleaned out last year and you would almost not know that it had been done as weeds are growing up in it like wildfire.

I request to have my concerns noted against the PCQ Expansion and would like to be notified of any decisions made on this expansion.

Thank you



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Appendix E

Public Open House Q & A Table

- September 9, 2021 Virtual Open House: Question and Answers Table

Port Colborne Quarry – Proposed Pit 3 Extension

September 9, 2021 Virtual Open House

Questions and Answers Table

#	Question	Answer
1	Were the Peer reviewers provided with the comments submitted to the Provincial agencies in response to the ERO posting?	No. Comments submitted to the Province on the Aggregate Resources Act application would need to be resubmitted to the City and Region if the commenter wants them considered as part of the Planning Act process.
2	David Schulz Have you had consultation with the Province with regards to this OP amendment and the protection of the HWY #3/Main Street corridor as required by ROP Amendment 6 Policy 9.D.13?	Yes. The City has met with the Ministry of Transportation relative to the Provincial Highway 3. The MTO will be formally circulated and have an opportunity to provide formal comments on the application, once the revised submitted is received from the applicant.
4	Golder Associates Inc. in July of 2020 identified ten sites of “cultural heritage value or interest” within the quarry. Do any of these sites involve burial sites or First Nation entities?	The Archaeological Assessments did not identify any burial sites within the proposed quarry expansions lands. Eight of the ten sites with further cultural heritage value or interest are indigenous and euro-Canadian lithic scatters, and two are multi-component collections with a mix of indigenous, euro-Canadian, 20th century and faunal artifacts.

#	Question	Answer
5	Britney Fricke Can you provide an explanation from a Regional perspective of how reducing the setback by 60 meters is protecting the established transportation corridor of HWY #3/Main Street and is consistent with the PPS 2020 and ROPA 6?	Regional staff have not determined whether the application is consistent with the PPS or ROP at this point in the process.
6	How many participants are in this meeting?	30 people attended the Open House.
7	Will there be a video copy of this meeting available for the registered attendees?	Due to technical issues with Zoom, a video copy of the meeting is not available.
8	At what point does the full environmental assessment take place on this application? And will it include the effect on the aquifer which comes from the Cdn. shield and travels to Pennsylvania? Considering the international impact, what other agencies should be aware?	A number of technical studies were submitted with the application, including a Hydrogeological Assessment/Water Resource Study, Natural Environment Report and Environmental Site Assessment/Soil Management Plan. The Province will be formally circulated the Planning Act applications upon receipt of revised submission that addresses Regional, City and NPCA comments.

#	Question	Answer
9	<p>What is the owners plan if they hit any water supply (well water) reducing or loosing water supply to the surrounding residents who have well water supply to their property? Same question to what the owners plan is still with "filling in" the other quarries adjacent to this new amendment?</p>	<p>As a proactive measure, the Site Plans will require PCQ Inc. (Licensee) to undertake ongoing monitoring of six (6) groundwater wells on the periphery of the subject lands, these are referred to as 'sentry wells'. Because the data from these wells are always being monitored, PCQ has constant data related to overall groundwater level status surrounding the site. In the unlikely situation where a decrease was to begin to occur on-site (in advance of an off-site issue), the necessary and appropriate triggers would be immediately employed. However, if well interference was identified at an isolated or cluster of neighbouring well, Sheet 5 of 9 of the Site Plans, under Hydrogeological Study, provides the information on the Private Well Complaints Response Program and Potential Mitigation Options.</p> <p>The approved ARA Site Plans for PCQ Inc. Pit 2 and 3 (ARA License 4444) specify that the subject lands are to be rehabilitated to a passive lake, therefore, the subject lands, (adjacent quarries) will be "filling in" with water. At this juncture, PCQ Inc. is working towards preparing the lands to meet this rehabilitation requirement.</p>
10	<p>You have asked to drill well below the water level. Self monitoring is not satisfactory. Will there be a federal government agency involved to monitor any contamination to the aquifer?</p>	<p>The Province and conservation authority(ies) collect and manage baseline groundwater level and quality from aquifers across Ontario. Data is collected through the Provincial Groundwater Monitoring Network and available through Open Data.</p>

#	Question	Answer
11	Will changes to the submissions resulting from reviews by the various agencies and public meetings be identified such that they will be easily observable to the public so they do not have to compare original submissions to those revised?	Yes. Updated submissions will be posted on the project page at https://portcolbornequarries.ca/ and the revisions will be easy to distinguish.
12	I live very close to the third pit. Why has seismic activity monitoring halted? Who has access to this monitored activity? In past the sensors have been placed during blasts at the corner of Babion and Highway #3. This monitoring seems to have been removed. Please explain why. How are we protected to blasts that could potentially cause property damage?	<p>The PCQ Inc. Pit 3 is always being monitored for vibration, (seismic activity) to record possible impacts from the on-going blasting activity. The equipment is occasionally relocated to best capture on-going blasting within the quarry.</p> <p>PCQ Inc. and their blasting contractor retains the monitored data and it is always available to MECP upon their request.</p> <p>The monitored data compiled over the past many years confirms that PCQ Inc. has and continues to operate in compliance with MECP thresholds. Furthermore, as part of the agency review, the 3rd party peer review consultant retained by Niagara Region has requested a 'Flyrock Assessment' which we anticipate would address this issue.</p>

#	Question	Answer
13	<p>The unlicensed Pit 1 will be used for the processing of the blasted rock from Pit 3 which includes the crushing, screening, washing and storage of the blasted rock. They are no mitigation measures currently implemented at Pit 1 to protect the surrounding neighbourhood. No protection from the increase in noise, dust and contamination of the aquifer. If the expansion of pit 3 is approved, who and where does the accountability surrounding the continued use of Pit 1 fall under as it is an unlicensed pit.</p>	<p>Thank you for your feedback. The proposed application is for an expansion to Pit 3 and does not pertain to the Pit 1 lands. Discharges, including noise and air, are monitored and regulated by the Ministry of Environment, Conservation and Parks, and complaints can be filed through the Ministry. The PPS includes policies that require progressive and final rehabilitation and encourage comprehensive rehabilitation. These policies will need to be addressed through the application process.</p>
14	<p>It good to hear that Pits 2 and 3 will only be filled with water once the quarry is retired, but what about the future filling of Pit 1? How is the acquirer below Pit one to be protected from backfill which includes industrial waste?</p>	<p>Thank you for your feedback. The proposed application is for an expansion to Pit 3 and does not pertain to the Pit 1 lands</p>

#	Question	Answer
15	It has been stated that the pumps will be turned off when Pit 2 & 3 are fully mined out. What are the rehab plans for Pit #1 that has been mined out many years ago and that had been mined 8 meters into the aquifer?	The proposed application is for an expansion to Pit 3 and does not pertain to the Pit 1 lands. Pit 1 never has been licensed under the Aggregate Resources Act (nor its' predecessor the Pits and Quarries Control Act), and as such, no rehabilitation plan has ever been prepared nor required. The lands are properly zoned (City of Port Colborne Zoning By-law: Mineral Aggregate Operation – MAO) to permit the existing activities including aggregate processing. A portion of the lands are also zoned MOA-38-H permitting a concrete manufacturing plant subject to a (H) Holding provision requiring a Site Plan Agreement. Furthermore, because a portion of the site is designated as Environmental Protection (pertaining to an identified Area of Natural or Scientific Interest [ANSI] - geological formation), the only means to ensure it remains visible, is to continue to dewater the site.
16	Are the impact reports submitted publically available?	Current Operation (Pit 2 and Pit 3) Ongoing monitoring undertaken for the existing Pit 2 and Pit 3 includes blasting, groundwater pumping rates and surface water discharge. The former is available to MECP upon their request and the latter two are part of an annual report submitted to MECP by PCQ Inc. PCQ Inc. is unaware if MECP makes any of that information available to the public.

#	Question	Answer
17	With the answer by David Sisco to the final rehabilitation, he was evasive with the answer "at this juncture". This is of great concern. The answer also only addressed Pit 2 and Pit 3 when the haulage road is no longer needed. Is the filling of Pit 1 "still on the table"? And, what is the schedule for relinquishing the licence for Pit 2 and Pit 1?	<p>PCQ Inc. continues to work towards preparing the Pit 2 and 3 lands to meet the existing ARA Site Plan rehabilitation requirements. However, Section 13 (2) of the Aggregate Resources Act (ARA) provides all Licensee's the ability to request a Site Plan Amendment to an existing licensed pit or quarry. Therefore, the Act allows PCQ Inc. to request an Amendment (subject to meeting whatever justification requirements that MNDNRF deems necessary) and therefore, PCQ Inc. is not prepared to have future corporate decisions fettered regarding their Pits 2 and 3.</p> <p>The timing to surrender Pit 2 will necessitate the rehabilitation being completed, but also the closure of the internal haul road wherein aggregate from Pit 3 and Pit 3 Extension will continue to be hauled to Pit 1 for processing. Once this occurs, the dewatering pumps will be removed and the subject lands allowed to fill with water. This is anticipated to happen within 12-15 years.</p>
18	The dust from Pit 1 is choking thick! The MOE and MNR have been notified but why is the quarry allowing this?	The proposed application is for an expansion to Pit 3 and does not pertain to the Pit 1 lands
19	Currently we have a problem with there dust from the crushing at the north side of Pit 2 This has been going on for some weeks and continues with no single of resolution.	Thank you for your feedback.

#	Question	Answer
20	What permit does PCQ have for and additional production facility on the floor of Pit 1 once the crushing and processing of aggregate is moved to Pit 3?	The existing uses in Pit 1 are permitted by the Zoning By-law. Future uses must be permitted by the existing Zoning By-law, or an application to amend the Zoning By-law would be required.
21	Are any impact reports submitted to the Ministry re impact assessments for current or proposed projects publically available, and if so, how can they be accessed?	Current Operation (Pit 2 and Pit 3) Ongoing monitoring undertaken for the existing Pit 2 and Pit 3 includes blasting, groundwater pumping rates and surface water discharge. The former is available to MECP upon their request and the latter two are part of an annual report submitted to MECP by PCQ Inc. PCQ Inc. is unaware if MECP makes any of that information available to the public.
22	how far can they blast from a residence since they want to change from 90 to 30	The proposed setback of 30m is from the Highway 3 right-of-way, not from residences. The proposed limit of extraction is shown on the site plans posted on the project webpage at https://portcolbornequarries.ca/ . The Site Plans for the Pit 3 Extension confirm that the proximity of blasting to a nearby residence is subject to on-going monitoring.
23	is there no concern for the large amount of agriculture crop land being lost here	Yes. An Agricultural Impact Assessment was submitted with the application to evaluate the impact to agriculture.
24	What authority does the Region and City have to enforce conditions once the zoning is approved?	If the application is approved, conditions would be included in the Aggregate Resources Act license and enforced by the Ministry.

#	Question	Answer
25	<p>Lack of resolution to on going problems demonstrates that the current self monitoring by PCQ is ineffective.</p> <p>What will be done to rectify this if the expansion is granted?</p>	<p>If the application is approved, the quarry is obligated to report to the Ministry on compliance with the licensing requirements on an annual basis. Complaints of non-compliance with licensing requirements can be filing with the Ministry.</p>
26	<p>With the previous licence in 1982, the City and Region recommended conditions for licencing. The City and the quarry also entered into a Site Plan Agreement which was referenced in the licence. This was subsequently removed as it was not enforceable by MNR. How can these conditions be enforced?</p>	<p>The proposed application is for an expansion to Pit 3 and does not pertain to the Pit 1 lands.</p>
27	<p>I think my question speaks to the “self monitoring” and quality thereof, of the quarry. i think if the quarry chooses to not care about the dust coating nearby homes, it speaks to what we may expect in the future</p>	<p>Thank you for your feedback.</p>

#	Question	Answer
28	What impact will this expansion have on Humberstone Speedway, years to come?	The proposed expansion lands include the Humberstone Speedway property. If approved and the license granted, operation of the speedway would cease in accordance with the phasing plan.
29	What is the timeline for phase two to move processing out of pit 1?	This is anticipated to occur within the first several years of production within the Pit 3 Extension. No definitive date is possible due to numerous operational variables, some which include; market conditions for the aggregate, permitting and construction of a hydro substation to accommodate extending Phase 3 power, construction of Phase 3 power from Pit 1 through Pit 2 to Pit 3, MNDNRF (IARS) approval of a Site Plan Amendment for the siting of the new plant facility within License 4444, purchasing of new crushing / screening equipment, assembly of the new plant, MECP permits for the operation of the new plant, constructing wash ponds within Pit 3, design / approval and construction of the Highway 3 entrance.
30	The proposed by-law and official plan amendment expansion of pit 3 has a direct impact on the continued use of pit 1, so how is that not relevant to this meeting?	The proposed application is for an expansion to Pit 3 and does not pertain to the Pit 1 lands.
31	There is great concern regarding contamination at the speedway site and how will this be removed and where will this soil be relocated to?	An Environmental Site Assessment and Soil Management Plan was submitted with the applications to address contamination from the speedway. If the application is approved, additional environmental work and possible remediation will be required before the soils are disturbed.

#	Question	Answer
32	<p>It is frustrating to repeatedly hear that Pit 1 is not licensed and not under the ARA; however, the aquifer under Pit 1 is an interconnected ecosystem and cannot be ignored; how can risk occur at Pit 1 but not be considered for rehabilitation. Who is now the authority that will deal with the rehabilitation of Pit 1?</p>	<p>The proposed application is for an expansion to Pit 3 and does not pertain to the Pit 1 lands. Pit 1 never has been licensed under the Aggregate Resources Act (nor its' predecessor the Pits and Quarries Control Act), and as such, no rehabilitation plan has ever been prepared nor required. The lands are properly zoned (City of Port Colborne Zoning By-law: Mineral Aggregate Operation – MAO) to permit the existing activities including aggregate processing. A portion of the lands are also zoned MOA-38-H permitting a concrete manufacturing plant subject to a (H) Holding provision requiring a Site Plan Agreement. Furthermore, because a portion of the site is designated as Environmental Protection (pertaining to an identified Area of Natural or Scientific Interest [ANSI] - geological formation), the only means to ensure it remains visible, is to continue to dewater the site.</p>
33	<p>Robert is referencing a Public Liaison Committee to work and ask of JART members for information. So, will there not be a PLC put in place and is the expectation that random people can ask questions rather than a representative PLC group who could communicate directly.</p>	<p>The City Clerk has advised that information regarding the PLC will be announced very shortly. The PLC will be able to provide their comments to Council in one direct channel.</p>

#	Question	Answer
34	With the emphasis on reducing environmental footprint, and the reduction of greenhouse gases, the elimination of haulage from Pit 3 to Pit 1 will contribute greatly by 2 km of haulage in both directions, including grade crossings at each of Snider and Babion Road. Is this not a significant reason to move processing to Pit 3 ASAP?	Pit 3 is not yet fully extracted. The proposal does involve the relocation of processing in the future.
35	Comment: The timeline to move processing from Pit 1 to Pit 3 should be "set in stone"!	Thank you for your feedback.

#	Question	Answer
36	Does the planning committee have an anonyms email distribution list which can push updates to interested parties? If not, what is the process for interested parties to keep updated with any developments, and where should interested parties look to keep themselves updated with efficiency.	All future Notices will be posted on the Region's website at https://niagararegion.ca/news/notices/ . Notice of the Application is posted at https://niagararegion.ca/news/notices/notice.aspx?q=544 . You can also email Britney Fricke or David Schulz to be added to the distribution list for future updates. Britney Fricke, MCIP, RPP Senior Planner Niagara Region 905-980-6000 ext. 3432 britney.fricke@niagararegion.ca File Number: ROPA-21-0001 David Schulz Planner City of Port Colborne 905-835-2900 ext. 202 david.schulz@portcolborne.ca File Numbers: D09-02-21 and D14-09-21
37	Is Pit 2 being rehabilitated in preparation for a passive lake?	The proposed application is for an expansion to Pit 3 and does not pertain to the Pit 2 lands. The timing to surrender Pit 2 will necessitate the rehabilitation being completed, but also the closure of the internal haul road wherein aggregate from Pit 3 and Pit 3 Extension will continue to be hauled to Pit 1 for processing. Once this occurs, the dewatering pumps will be removed and the subject lands allowed to fill with water. This is anticipated to happen within 12-15 years.

#	Question	Answer
38	As a continuation of the last question. Will the berm be raised or wall installed around pit 3 to cancel out the production noise to the immediate neighbours of pit 3.	Yes, berming around the expansion lands is proposed.
39	How often does JART meet and does JART compete reports or summaries that are made public so that persons can keep abreast of the inquiries and concerns brought forth by JART and whether or not the expectations asked by JART are being met or ignored?	JART is an internal staff review team, and not a public committee. One final technical report will be prepared by JART, for use by the individual governments and agencies. JART does not make recommendations on the applications.
40	Regarding the berms - the City officially recognized the noxious weeds on the berms, years ago, yet the quarry does nothing? Will something be done to correct this with the expansion? Will the berms be brought up to standard?	This is a property standard issue regulated by the City's Property Standards By-law. The By-law requires that "every yard, include vacant lots, shall be kept clean and free from, amongst other things, long grass, brush, undergrowth and noxious weeds as defined by the Weed Control Act." Complaints can be filed with the City.

#	Question	Answer
41	If i am already having serious problems with the blasting now with no concern from the quarry. How am I suppose to protect my place when it comes closer?	The monitored data compiled over the past many years confirms that PCQ Inc. has and continues to operate in compliance with MECP thresholds. Furthermore, as part of the agency review, the 3rd party peer review consultant retained by Niagara Region has requested a 'Flyrock Assessment' which we anticipate would address this issue.
42	The application suggests a relocation of the Municipal Drain to the north behind the Miller Road homes. This was identified at an earlier meeting, and it was mentioned that this was being relocated by the City of Port Colborne. Should this not fall under the Drainage Act?	Yes, the relocation of the municipal drain does fall under the Drainage Act.
43	Who pays for the moving of the drain?	Costs associated with moving the drain are determined by the Engineering preparing the Drainage Report. Port Colborne Quarries will bear most if not all of the costs associated with the drain relocation.
44	Should the quarry not pay for the drain?	See answer above.

#	Question	Answer
45	So is Sean saying that recommendations and reports will (i.e. peer reviews) will not be made available until a final report is completed? Are you saying that the JART process is working in silos and not as a committee until a final report is submitted? What I am asking is there actual meetings that are documented and produced by JART?	The JART is a review team comprised of staff from the Region, City and NPCA. The purpose of the JART is to share information, resources and expertise so that staff are not working in silos. The JART provides a coordinated technical review and engagement/consultation.
46	Why should we trust the applicant to honor its promise to return Pits 2 and 3 to a natural state when the applicant did not honor a promise in the 1980s to return Pit one to us as a water park?	The proposed application is for an expansion to Pit 3 and does not pertain to the existing pits or those lands.
47	What is the definition of “scrap” in item 11 of the site notes?	Scrap materials is generally material generated from within the active quarry operations such as used screens from the Screen Plan.
48	What is the current position by reviewers on the setback from the wetlands and woodlands?	Regional staff have not determined our position on the setback from the environmental features. Additional information is required to be submitted by the applicant before we can determine whether policy requirements have been met.

#	Question	Answer
49	Where is the designated area for the scrap before it is moved?	Site Plan Note 11 specifies that no scrap will be stored on the site. Because the processing will be occurring with Pit 3, any generated scrap will be located within 3.

Appendix F

ARA Site Plans

- Revised Site Plan Drawings (Sheets 1-10), prepared by IBI (dated July 31, 2023) [last updated September 11, 2023] can be accessed on the [Port Colborne Quarries Website](https://portcolbornequarries.ca/quarry-expansion-document) (<https://portcolbornequarries.ca/quarry-expansion-document>)

Port Colborne Quarries – Proposed Pit 3 Extension**ROPA, LOPA, ZBLA Applications – List of Technical Material Submitted****Documents can be accessed on the Port Colborne Quarries Website:**

[Quarry Expansion Document](https://portcolbornequarries.ca/quarry-expansion-document) (<https://portcolbornequarries.ca/quarry-expansion-document>)

Item	Date Submitted
1st Submission	
1. Planning Justification Report, prepared by IBI Group (dated February 17, 2021)	• March 17, 2021 (1 st Submission)
2. Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated September 22, 2020)	• March 17, 2021 (1 st Submission)
3. Stage 1 and 2 Archaeological Assessment, prepared by Golder Associates Inc. (dated November 24, 2020)	• March 17, 2021 (1 st Submission)
4. Stage 1 and 2 Archaeological Assessment - Supplementary Documentation, prepared by Golder Associates Inc. (dated November 24, 2020) * Note – this document is not posted on the PCQ document because it contains sensitive information related to archaeological resources.	• March 17, 2021 (1 st Submission)
5. Cultural Heritage Screening Report, prepared by Golder Associates Inc. (dated July 17, 2020)	• March 17, 2021 (1 st Submission)
6. Land Use Compatibility / Sensitive Land Use Study, prepared by IBI Group (dated January 8, 2021)	• March 17, 2021 (1 st Submission)

Item	Date Submitted
7. Air Quality Impact Assessment, prepared by Golder Associates Inc. (dated December 2020)	• March 17, 2021 (1st Submission)
8. Best Management Practices Plan for the Control of Fugitive Dust (BMPP), prepared by Golder Associates Inc. (dated December 2020)	• March 17, 2021 (1st Submission)
9. Noise (Acoustical) Impact Study, prepared by Golder Associates Inc. (dated December 2020)	• March 17, 2021 (1st Submission)
10. Blasting (Vibration) Impact Assessment, prepared by Golder Associates Inc. (dated July 2020)	• March 17, 2021 (1st Submission)
11. Financial Impact Assessment / Economic Benefits, prepared by IBI Group (dated June 8, 2020)	• March 17, 2021 (1st Submission)
12. Hydrological Assessment, prepared by Golder Associates Inc. (dated November 2020)	• March 17, 2021 (1st Submission)
13. Hydrogeological Assessment, Level 1 / 2 Water Resources Study, prepared by Golder Associates Inc. (dated October 2020)	• March 17, 2021 (1st Submission)
14. Natural Environment Level 1 & 2 Report (EIS), prepared by Golder Associates Inc. (dated October 2020)	• March 17, 2021 (1st Submission)
15. Tree Preservation Plan, prepared by IBI Group (dated October 16, 2020);	• March 17, 2021 (1st Submission)
16. Comprehensive Rehabilitation Strategy, prepared by IBI Group (dated October 30, 2020)	• March 17, 2021 (1st Submission)
17. Social Impact Assessment, prepared by IBI Group (dated January 8, 2021)	• March 17, 2021 (1st Submission)
18. Traffic Impact Study, prepared by IBI Group (dated October 19, 2020)	• March 17, 2021 (1st Submission)

Item	Date Submitted
19. Visual Impact Assessment, prepared by IBI Group (dated December 23, 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
20. Completed Application to Amend the Regional Official Plan	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
21. Draft Regional Official Plan Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
22. City of Port Colborne – Application for Official Plan Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
23. Draft City of Port Colborne Official Plan Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
24. City of Port Colborne – Application for Zoning By-Law Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
25. Draft City of Port Colborne Zoning By-Law Amendment	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
26. Public Consultation Plan, prepared by IBI Group (dated March 15, 2021)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
27. Site Plan Drawings (1-8), prepared by IBI Group (dated February 9, 2021)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
28. Landscaping Plans (1-2), prepared by IBI Group (dated December 21, 2020)	<ul style="list-style-type: none"> March 17, 2021 (1st Submission)
29. Phase One Environmental Site Assessment (ESA), prepared by Golder Associates Inc. (dated June 16, 2021)	<ul style="list-style-type: none"> June 2021
30. Conceptual Soil Management Plan, prepared by Golder Associates Inc. (dated June 28, 2021)	<ul style="list-style-type: none"> June 2021
2nd Submission	
31. PCQ Application – 2nd Submission Cover Letter, prepared by IBI (dated January 31, 2022)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)

Item	Date Submitted
32. Revised Planning Justification Report, prepared by IBI Group (dated January 28, 2022)	• January 31, 2022 (2nd Submission)
33. AIA Response to JART Comments Letter, prepared by Colville Consulting Inc. (dated October 5, 2021)	• January 31, 2022 (2nd Submission)
34. Updated Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated October 18, 2021)	• January 31, 2022 (2nd Submission)
35. Financial Impact Assessment / Economic Benefits – Revised Report, prepared by IBI Group (dated October 20, 2021)	• January 31, 2022 (2nd Submission)
36. Response to JART Hydrology Peer Review Comment – Technical Memorandum, prepared by Golder Associates Inc. (dated January 28, 2022)	• January 31, 2022 (2nd Submission)
37. Response Letter to MTO Comments, prepared by IBI Group (dated October 20, 2021)	• January 31, 2022 (2nd Submission)
38. Revised Hydrogeological Assessment, Level 1 / 2 Water Resources Study, prepared by Golder Associates Inc. (dated October 2021)	• January 31, 2022 (2nd Submission)
39. Revised Land Use Compatibility / Sensitive Land Use Study, prepared by IBI Group (dated December 15, 2021)	• January 31, 2022 (2nd Submission)
40. Addendum to the Noise Impact Assessment Report – Technical Memorandum, prepared by Golder Associates Inc. (dated January 21, 2022)	• January 31, 2022 (2nd Submission)
41. Response to the Joint Agency Review Team Letter - Air Quality Impact Assessment – Technical Memorandum, prepared by Golder Associates Inc. (dated December 10, 2021)	• January 31, 2022 (2nd Submission)

Item	Date Submitted
42. Addendum to the Air Quality Impact Assessment Report – Technical Memorandum, prepared by Golder Associates Inc. (dated January 14, 2022)	• January 31, 2022 (2nd Submission)
43. Response to Comment Letter from Joint Agency Review Team (JART) [Blasting (Vibration) Impact Assessment], prepared by Golder Associates Inc. (dated October 4, 2021)	• January 31, 2022 (2nd Submission)
44. Flyrock Impact Assessment – Technical Memorandum, prepared by Golder Associates Inc. (dated January 7, 2022)	• January 31, 2022 (2nd Submission)
45. Response to JART Comments on the Natural Environment Level 1 & 2 Report (EIS) – Technical Memorandum, prepared by Golder Associates Inc. (dated November 24, 2021)	• January 31, 2022 (2nd Submission)
46. Supplemental Bat Survey in Support of the Natural Environment Level 1 & 2 Report (EIS) – Technical Memorandum, prepared by Golder Associates Inc. (dated January 31, 2022)	• January 31, 2022 (2nd Submission)
47. Revised Comprehensive Rehabilitation Strategy, prepared by IBI Group (dated December 15, 2021)	• January 31, 2022 (2nd Submission)
48. Revised Social Impact Assessment, prepared by IBI Group (dated December 15, 2021)	• January 31, 2022 (2nd Submission)
49. Revised Visual Impact Assessment, prepared by IBI Group (dated December 15, 2021)	• January 31, 2022 (2nd Submission)
50. Revised Site Plan Notes (dated January 13, 2022)	• January 31, 2022 (2nd Submission)
51. Revised Site Plan Notes – with changes noted (dated January 13, 2022)	• January 31, 2022 (2nd Submission)

Item	Date Submitted
52. Revised Site Plan Drawings (1-9), prepared by IBI Group (dated November 15, 2021)	<ul style="list-style-type: none"> January 31, 2022 (2nd Submission)
53. Response to JART Hydrogeology Peer Review Comments, prepared by Golder (dated October 1, 2021)	<ul style="list-style-type: none"> May 16, 2022
54. Additional Response to Updated Peer Review Hydrogeological/Ground Water Study, Port Colborne Quarries Pit 3 Extension – Technical Memorandum, prepared by Golder (dated May 16, 2022)	<ul style="list-style-type: none"> May 16, 2022
55. Review and Entry into the Ontario Public Register of Archaeological Reports: Stage 1 & 2 Archaeological Expansion – PCQ Expansion, prepared by the Ministry of Heritage, Sport, Tourism, and Culture Industries (dated February 15, 2021)	<ul style="list-style-type: none"> May 30, 2022
56. Comment Letter on ARA Application, prepared by the Ministry of Natural Resources and Forestry (dated May 5, 2021)	<ul style="list-style-type: none"> September 7, 2022
3rd Submission	
57. 3rd Submission Covering Letter and Updates to Planning Justification Report, prepared by IBI (dated October 4, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
58. Revised Site Plan Drawings, prepared by IBI (various dates)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
59. Revised Site Plan Notes (with changes highlighted), prepared by IBI Group (dated October 3, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
60. Updated Financial Impact Assessment and Economic Benefits Analysis, prepared by IBI Group (dated June 20, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
61. Hydrology/Surface Water Comment Table, prepared by WSP/Golder (dated August 25, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)

Item	Date Submitted
62. Additional Response to Updated Peer Review Hydrogeological/Groundwater Study, Port Colborne Quarries Pit 3 Extension – Technical Memorandum, prepared by Golder (dated August 18, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
63. Response to JART Comments on the Natural Environment Level 1 & 2 Report - Technical Memorandum, prepared by WSP/Golder (dated August 31, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
64. Revised Figure 5 for the Comprehensive Rehabilitation Plan, prepared by IBI Group (dated August 29, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
65. Copy of the IBI Group E-mail dated May 30, 2022 addressing traffic related concerns & Updated Traffic Impact Study, prepared by IBI Group	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
66. Updated Memo to Paul Marsh re: Wignell Drain Realignment, prepared by IBI Group (dated October 3, 2022)	<ul style="list-style-type: none"> October 4, 2022 (3rd Submission)
67. Air Quality Study Response E-mail (dated August 22, 2022)	<ul style="list-style-type: none"> October 5, 2022
68. Technical Memorandum – Response to JART – Request for Supplemental Information Related to the Noise Impact Assessment (dated December 3, 2021)	<ul style="list-style-type: none"> October 5, 2022
69. Response to JART Letter – Air Quality Impact Assessment, prepared by Golder (dated December 10, 2021)	<ul style="list-style-type: none"> October 20, 2022
70. Addendum to the Hydrological Assessments, prepared by WSP/Golder (dated December 5, 2022)	<ul style="list-style-type: none"> December 5, 2022
71. Response to MNRF Comments on the Natural Environment Report, prepared by WSP/Golder (dated December 6, 2022)	<ul style="list-style-type: none"> December 8, 2022

Item	Date Submitted
72. Technical Memorandum documenting 2022 Natural Environment Surveys, prepared by WSP/Golder (dated December 16, 2022)	<ul style="list-style-type: none"> December 19, 2022
73. Response to Terra Dynamics (Groundwater) Peer Review Comments of October 26, 2022, prepared by WSP (dated February 15, 2023)	<ul style="list-style-type: none"> February 15, 2023
74. Response to Englobe Corp. Information Request Related to the Noise Assessment Completed for the Port Colborne Quarries Inc Pit 3 Extension, Received on October 28, 2022, prepared by WSP (dated February 2023)	<ul style="list-style-type: none"> February 17, 2023
Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] – not posted to PCQ website	<ul style="list-style-type: none"> December 8, 2022
Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] – not posted to PCQ website	<ul style="list-style-type: none"> January 19, 2023
Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] – not posted to PCQ website	<ul style="list-style-type: none"> January 23, 2023
Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] – posted to PCQ website	<ul style="list-style-type: none"> March 1, 2023
Revised Site Plan Drawings, prepared by IBI (various dates) [partial resubmission] – not posted to PCQ website	<ul style="list-style-type: none"> April 5, 2023
75. Dougan & Associates Peer Review – Response to Final Comments and Recommendations Received February 3, 2023, prepared by WSP Golder (dated April 13, 2023)	<ul style="list-style-type: none"> April 14, 2023

Item	Date Submitted
76. Addendum to the Hydrological Assessments, prepared by WSP (dated April 12, 2023)	<ul style="list-style-type: none"> • April 14, 2023
77. Recommended Monitoring and Mitigation for the Northeast Woodlot, prepared by WSP (dated April 12, 2023)	<ul style="list-style-type: none"> • April 14, 2023
78. Response to MNRF Comments on Natural Environment Level 1 & 2 Report and Addenda, prepared by WSP (dated April 14, 2023)	<ul style="list-style-type: none"> • May 9, 2023
79. Letter to S. Norman – Updated ARA Site Plans Cover Letter and Response to Several Outstanding Items, prepared by IBI/Arcadis (dated May 9, 2023)	<ul style="list-style-type: none"> • May 9, 2023
Revised Site Plan Drawings (Sheets 1-10), prepared by IBI (various dates) [Full resubmission] – not posted to PCQ website	<ul style="list-style-type: none"> • May 9, 2023
80. Memo re: Response to Statutory Public Meeting Comments, prepared by IBI/Arcadis (dated May 17, 2023)	<ul style="list-style-type: none"> • May 17, 2023
3rd Submission	
81. 4 th Submission Cover Letter, prepared by IBI/Arcadis (dated August 1, 2023)	<ul style="list-style-type: none"> • August 2, 2023 (4th Submission)
82. Response to Natural Environment Comments Received June 12, 2023, prepared by WSP (dated August 1, 2023)	<ul style="list-style-type: none"> • August 2, 2023 (4th Submission)
83. Surface Water Response to 3 rd JART Comment Letter, prepared by WSP (dated July 31, 2023)	<ul style="list-style-type: none"> • August 2, 2023 (4th Submission)
84. Revised Addendum to Hydrological Assessment – Tech Memo, prepared by WSP (dated July 31 st , 2023)	<ul style="list-style-type: none"> • August 2, 2023 (4th Submission)

Item	Date Submitted
85. Supplemental Water Balance Analysis, prepared by WSP (dated July 31, 2023)	• August 2, 2023 (4 th Submission)
86. Recommended Monitoring and Mitigation for the Northeast Woodlot [updated], prepared by WSP (dated July 31, 2023)	• August 2, 2023 (4 th Submission)
87. Revised Site Plan Drawings (Sheets 1-10), prepared by IBI (dated July 31, 2023) [Full resubmission]	• August 3, 2023 (4 th Submission)
88. Revised Site Plan Drawings (Sheets 1-10), prepared by IBI (dated July 31, 2023) [last updated September 11, 2023]	• September 12, 2023

Subject: Request for Parkland Dedication Reduction

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-235

Meeting Date: November 14, 2023

Recommendation:

That Chief Administrative Officer Report 2023-235 be received; and

That the Council establish a Parkland Dedication Fee for the application at 60 Adelaide Street of \$6,904.00.

Purpose:

The owner of 46, 52, and 60 Adelaide Street has applied for relief from the Parkland Dedication fee calculated by the City. There is no wording in the by-law to administer exceptions to the by-law. This report seeks a Council decision on the applicant's request.

Background:

The owner of 46, 52, and 60 Adelaide Street is seeking to add 4 units to the existing 17 apartment units at 60 Adelaide. There is some confusion as to the best method to apply the requirement for calculating the parkland reserve contribution required due to the unique nature of the property.

The property is made up of 3 separate properties with separate buildings that have merged on title due to having the same ownership. Only one of the previous properties is the subject of the redevelopment (or new development of 4 additional units).

Discussion:

The City's existing Parkland Dedication By-law requires developers to pay a grant to the City (in lieu of contributing land for parks) in the amount of 5% of the value of the lands being developed or redeveloped.

The City's existing Parkland Dedication By-law does not provide a framework for applicants to seek relief from the by-law in certain circumstances. Staff from the City's Planning Division are planning to bring forward a new Parkland Dedication By-law in 2024 that will be more thorough and include provisions for relief in certain circumstances.

The developer of the property located at 46, 52, and 60 Adelaide has requested partial relief from the City's parkland dedication requirement. The circumstances of this particular development are such that only a small portion of the land is being developed and, the developer believes, the requirement for a parkland fee should only apply to that portion of the land.

The City's policies variously require parkland to be paid on the appraised value of the entire parcel or, in some cases, on the value of land and buildings. Staff's interpretation of the by-law also appears to afford the latitude to calculate this amount on the incremental increase in value from the pre-construction state to the post-construction state.

Regardless of which calculation method the City uses, staff estimate that the parkland liability for this development will be approximately \$32,000.

The applicant has suggested an alternative calculation that limits the liability for a parkland fee to the land that is the subject of the development. Staff support the development as it provides for reasonable and appropriate intensification in an area where servicing already exists which increases housing options within the City.

The owner's proposed methodology is:

$\text{Land value} \div \text{future total number of units} \times \text{new units} \times 5\% \text{ parkland fee}$

As noted, Staff are working through an updated Parkland Dedication By-law. That update will incorporate a methodology that promotes reasonable and responsible intensification that balances existing parkland with the need for expanded park opportunities.

At the time of writing this report, Staff stress the methodology to be proposed in the updated Parkland Dedication By-law is still in development. Several options are being considered, including the potential for a fixed amount per unit in situations such as the one presented in this report.

With this principle in mind, the owner's proposed methodology is not without merit.

Staff do not have the authority to approve this request, and, for this reason, Staff seek Council approval to collect the reduced amount.

Staff are not seeking this approval to set a precedent. Until a new by-law is in place, should another property owner come forward seeking a deviation from the Parkland Dedication By-law that request will also need to come to Council for approval.

The applicant has provided an independent appraisal and detailed the calculation of the proposed reduced parkland fee in an email that is attached as Appendix B to this report and distributed under separate cover.

Internal Consultations:

The Director of Corporate Services, Chief Planner, and Chief Administrative Officer have all been working on a suitable solution with the applicant. There have been some discussions with the Mayor and Ward Councillors.

Financial Implications:

The City estimates that calculating the Parkland Dedication in the traditional manner would result in an amount payable of about \$32,000. The applicant seeks to remit \$6,904 based on a submitted appraisal attached as Appendix A. The difference of \$25,096 will not be payable if this report is approved.

The City's Parkland Reserve currently has a balance of \$851,244.17.

Public Engagement:

This section is not applicable.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
 - Increased Housing Options
-

Conclusion:

The owner of 46, 52, and 60 Adelaide has applied for a reduced Parkland Dedication requirement for the proposed development. Preparations for a new Parkland Dedication By-law are underway in the Planning Division. The current by-law does not provide a relief process for applications of this type, so Council will have to provide direction to staff to collect the reduced amount.

Appendices (confidential correspondence distributed under separate cover):

- a. 46, 52, and 60 Adelaide Street Appraisal
- b. Parkland relief request

Respectfully submitted,

Scott Luey
Chief Administrative Officer
(905) 835-2900 ext. 306
Scott.Luey@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

Subject: Stop and Close By-law – Laneway between Jefferson Avenue and Homewood Avenue

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-210

Meeting Date: November 14, 2023

Recommendation:

That Chief Administrative Officer Report 2023-210 be received; and

That the Stop-Up and Close By-law, being a By-law to stop-up and close the laneway between Jefferson Avenue and Homewood Avenue described as the public highway lying between Jefferson Avenue (west) and Homewood Avenue (east) north of Sugarloaf Street be approved; and

That the Mayor and Acting City Clerk authorized to execute any documents that may be required for the purpose of carrying out the intent of this by-law.

Purpose:

This report is regarding a Stop-up and Close By-law for the property shown in Appendix A. The decision to sell this property is not the subject of this report.

Background:

The Economic Development and Tourism Services Division (EDTS) has undertaken a review of City-owned properties to identify potential surplus lands that could be made available to support development opportunities, expand the City tax base, and save the City maintenance costs and potential liability.

One such property is the unimproved laneway lying between Jefferson Avenue and Homewood Avenue, abutting 17 Jefferson Avenue and 16 Homewood Avenue to the North and 459, 451 Sugarloaf Street, and 2 Homewood Avenue to the south.

This property was declared surplus at the April 11, 2023, Council meeting via Report 2023-56. Council will be in a position to consider the sale of this parcel at a future date. To make that decision, the laneway must be closed first through a stop-up and close process and by-law.

Discussion:

The subject parcel is currently generating no tax revenue for the City and serves no operational purposes. Additionally, the property could be a liability for the City. Staff feel that the better use of the property would be achieved by selling parts of the laneway to adjoining landowners. The property is 238.9 feet (72.8 metres) long by 15.2 feet (4.6 metres) wide and has an additional piece in the middle from the northern boundary that is 38 feet (11.6 metres) long by 7.8 feet (2.4 metres) wide. Because the laneway is registered on title as a public highway, it must be formally closed through a Stop-up and Close by-law. Once this has been completed, staff will bring forward a land disposition recommendation.

Internal Consultations:

Other City departments were consulted on this report and no additional comments were forthcoming.

Financial Implications:

There are no financial implications to this report.

Public Engagement:

Public Notice was provided through ads in the Port Colborne Leader on August 24, 31, September 7, and September 14, 2023, and a Public Meeting was held October 3, 2023, with one resident providing comment.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community

Conclusion:

The Economic Development and Tourism Services Division has undertaken a review of City-owned properties to identify potential surplus lands as part of the City Real Estate project. The unimproved laneway lying between Jefferson Avenue and Homewood Avenue, abutting 17 Jefferson Avenue and 16 Homewood Avenue to the north and 459, 451 Sugarloaf Street, and 2 Homewood Avenue to the south was identified as part of this project.

The laneway was declared surplus via Report 2023-56 at the April 11, 2023, Council meeting and a Public Meeting was held October 3, 2023, regarding a Stop-up and Close By-Law. Staff recommend that a Stop-up and Close By-Law be approved for this surplus City laneway as this step is required prior to conveying parcels in any future Agreements of Purchase and Sale.

Appendices:

- a. Appendix A: Subject Property
- b. Appendix B: Stop-up and Close By-Law

Respectfully submitted,

Bram Cotton
Economic Development Officer
(905) 835-2900 Ex. 504
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Gary Long
Manager of Strategic Initiatives
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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

Appendix A – Report 2023-210

Public highway lying between Jefferson Avenue (left) and Homewood Avenue (right) north of Sugarloaf Street.



The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Stop Up and Close for the laneway between Jefferson Avenue and Homewood Avenue described as the public highway lying between Jefferson Avenue (west) and Homewood Avenue (east) north of Sugarloaf Street

WHEREAS at its meeting of November 14, 2023, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of Chief Administrative Officer Report No. 2023-210, Subject: Stop up and Close By-law for the public highway between Jefferson Avenue and Homewood Avenue described as the public highway lying between Jefferson Avenue (west) and Homewood Avenue (east) north of Sugarloaf Street; and

WHEREAS Section 27(1) of the *Municipal Act, 2001*, provides that, except as otherwise provided in the Act, a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway; and

WHEREAS it is deemed expedient in the interest of The Corporation of the City of Port Colborne that the road allowance set out and described in this by-law be stopped up and closed; and

WHEREAS in accordance with Section 34(1) of the *Municipal Act, 2001* and By-law 4339/12/03 of the Corporation of the City of Port Colborne, Being a By-law to Prescribe the Form and Manner and Times for the Provision of Notice in Accordance with the *Municipal Act, 2001*, public notice of Council's intention to permanently close the highway set out and described in this by-law was provided; and

WHEREAS no person claiming their lands will be prejudicially affected by the by-law applied was heard by the Council of the Corporation of the City of Port Colborne at the meeting held by the Council for that purpose on Tuesday, October 3, 2023.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That upon and after the passing of this by-law all that portion of the road allowance described as between Jefferson Avenue and Homewood Avenue described as the public highway lying between Jefferson Avenue (west) and Homewood Avenue (east) north of Sugarloaf Street is hereby stopped and closed.
2. That the Mayor, the Acting City Clerk be and are hereby authorized to execute any documents that may be required for the purpose of carrying out the intent of this by-law and the Clerk is duly authorized to affix the Corporate Seal thereto.
3. That the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office to effect the closing of laneway between Jefferson Avenue and Homewood Avenue described as the public highway lying between Jefferson Avenue (west) and Homewood Avenue (east) north of Sugarloaf Street hereinbefore described.
4. This by-law shall take effect on the day that a certified copy of the by-law is registered in the proper Land Registry Office.

Enacted and passed this 14th day of November, 2023.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk



Subject: Annual Lighted Santa Claus Parade

To: Council

From: Corporate Services Department

Report Number: 2023-202

Meeting Date: November 14, 2023

Recommendation:

That Corporate Services Department Report 2023-202 be received; and

That the proposed road closures and parking restrictions provided in Appendix B – Proposed Santa Claus Parade Route for the purposes of the Port Colborne Lighted Santa Claus Parade be approved.

Purpose:

The purpose of this report is to recommend road closures and parking restrictions for the management and control of vehicular traffic for the purposes of the annual lighted Santa Claus Parade (“the parade”) in Port Colborne. Staff are recommending a slight alteration to the traditional parade route due to logistical concerns that will be discussed within this report. The road closures and parking restrictions being proposed will facilitate the parade movement, help manage traffic, and will allow for the safe passage of pedestrians through the event area.

Background:

The parade takes place on the first Saturday in December each year. This year, the parade will take place on Saturday, December 2, 2023, at 6:30pm. Staging of floats will begin at 4:00 p.m. in the area identified in the Appendices.

Recreation staff have identified logistical issues with the traditional parade route (Appendix “A”). This parade route blocks access in and out of Portal Village Retirement Community at Steele Street. There is no alternate entrance or exit into the facility. This parade route also restricts traffic travelling southbound or northbound on Steele Street to access the north or south part of the city. The only option for someone located south

of Clarence Street to travel north of the parade route is to detour to Highway 3 and use Cement Road and vice versa. In previous years, this detour has resulted in traffic congestion on Steele Street and vehicles driving onto the parade route to avoid having to detour.

To solve this issue, Recreation staff have proposed an alternate parade route (Appendix “B”) that is similar to the previous parade route but minimizes traffic congestion issues and maintains unimpeded access to the Portal Village facility.

Discussion:

To facilitate this year’s parade, staff recommend temporary road closures and parking restrictions on Saturday, December 2, 2023, from 4:00 p.m. until 9:00 p.m., for the purpose of staging parade floats, as follows:

- Fielden Avenue, from the southern limit of Killaly Street to the southern limit of Elgin Street;
- Elgin Street, from the eastern limit of Steele Street to the Western limit of Elm Street; and
- Fielden Avenue, at the western limit of Delhi Street.

This request will provide parade marshals a safe and orderly area for parade floats to assemble prior to the start of the parade.

In addition, staff recommend the following areas be closed to vehicular traffic and street parking on Saturday, December 2, 2023, from 5:00 p.m. until 9:00 p.m., to provide for safe viewing areas from boulevards/sidewalks and to ensure floats can move freely throughout the route and disperse at the end, as follows:

- Fielden Avenue, from the southern limit of Elgin Street to the southern limit of Clarence Street;
- Clarence Street, from the western limit of Fielden Avenue to the eastern limit of West Street;
- West Street, from the northern limit of Clarence Street to the southern limit of Charlotte Street; and
- Charlotte Street, from the eastern limit of Catharine Street to the eastern limit of West Street.

The City’s Public Works department will block off all parking stalls with pylons and provide waste receptacles along the parade route prior to the commencement of the parade. By-law Enforcement staff will enforce the provisions established within the approved parade route during the time of the traffic and parking restrictions. Further, staff recommend temporary (barricaded) road closures to restrict vehicular traffic at intersections throughout the route, as follows:

- North intersection of Fielden Avenue and Elgin Street;
- West intersection of Fielden Avenue and Carter Street;
- East intersection of Fielden Avenue and Princess Street;
- West intersection of Fielden Avenue and Park Street;
- West and south intersections of Fielden Avenue and Clarence Street;
- North and south intersections of Elm Street at Clarence Street;
- North and south intersections of Catharine Street at Clarence Street;
- North and south intersections of King Street at Clarence Street
- North and east intersections of West Street at Charlotte Street;
- South intersection of West Street at Charlotte Street;
- North and south intersections of King Street at Charlotte Street; and
- East and north intersections of Charlotte Street and Catherine Street.

Prior to the commencement of the parade, the City's Roads Division will begin to close the above intersections with barricades starting at Port Colborne High School. Once all intersections are closed, the parade will commence.

To facilitate the parade along West Street, the closure of Bridge 21 will be required. Recreation staff will communicate with the St. Lawrence Seaway Management Corporate Traffic Control Supervisor and provide the necessary details for the bridge closure.

Internal Consultations:

This report was circulated internally with staff in the following Divisions: Communications, By-law Enforcement, the Fire Department, and Public Works.

Recreation staff will work in collaboration with the above-mentioned Divisions to coordinate the parade.

Financial Implications:

The Parade is funded via the Civic Celebrations budget.

Public Engagement:

A notice of road closures and parking restrictions will be distributed to all residents and businesses in the affected areas of the road closures.

After the completion of the parade, staff will have an online voting platform for community members to vote for their favourite float in the parade.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
-

Conclusion:

In conclusion, Recreation staff are seeking Council to approve the road closures and parking restrictions as seen in Appendix "B".

Appendices:

- a. Appendix A: Traditional Santa Claus Parade Route
- b. Appendix B: Proposed Santa Claus Parade Route

Respectfully submitted,

Luke Rowe

Event Coordinator

905-835-2900 ext. 566

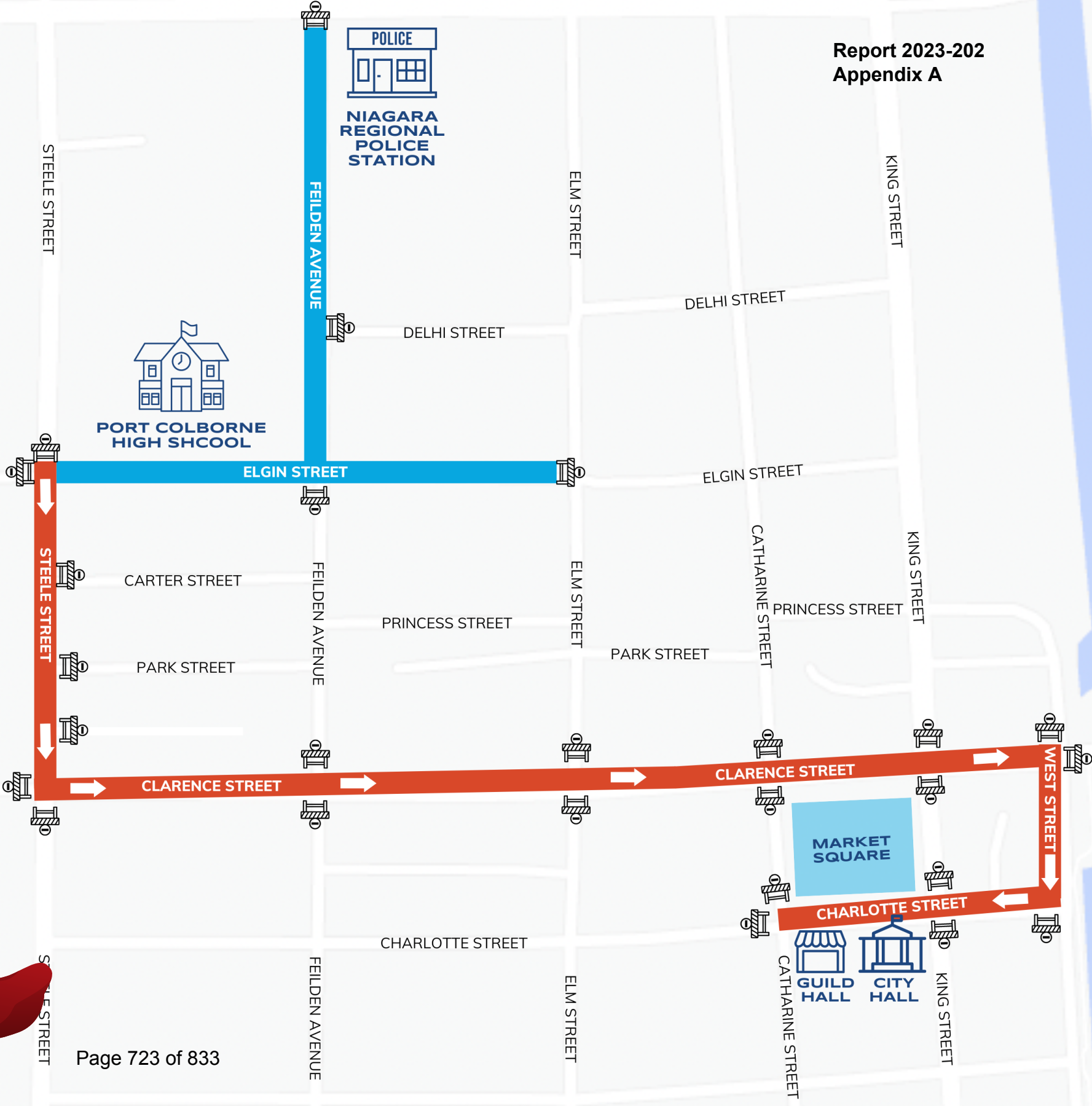
Luke.rowe@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

LEGEND

-  Staging Area
-  Parade Route
-  Road Closure Barricade
-  Parade Route Direction
-  Port Colborne High School
-  Niagara Regional Police Station
-  Guild Hall
-  City Hall
-  Market Square



LEGEND

 Staging Area

 Parade Route

 Road Closure Barricade

 Parade Route Direction

 Port Colborne High School

 Niagara Regional Police Station

 Guild Hall

 City Hall

 Market Square



Subject: Delegation of Powers and Duties

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-201

Meeting Date: November 14, 2023

Recommendation:

That Chief Administrative Office Report 2023-201 be received; and

That Council consider the Draft Delegation of Powers and Duties By-law and associated schedules outlining the administrative powers and duties delegated to various municipal staff positions as detailed therein; and

That Staff be directed to present the By-law for Council approval at the next regular meeting.

Purpose:

The purpose of this report is to propose certain municipal Council powers and duties that can be delegated to City staff or committees to promote efficiency, improved customer service, and streamline administrative processes.

Background:

The *Municipal Act*, 2001 S.O. 2001, c. 25, as amended (the Act) requires that a municipality adopt and maintain policies with respect to the delegation of its powers and duties (S. 270(1)6).

The efficient management of the Corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to staff or committees, while concurrently maintaining accountability. This can be effectively achieved through the delegation of legislative and administrative functions.

In the exercise of any delegated power or duty, it is the responsibility of the delegate to ensure expenditures are provided in the current year's budget or otherwise authorized

by Council and the delegate shall not exceed the authority delegated. Legal counsel will play a key role in reviewing such matters as the undertaking of contracts or agreements with third parties and ensuring the legislative powers are respected and are exercised in accordance with any conditions or limitations for delegation through the adoption of the delegation by-law.

The delegation of powers and duties serves to enhance the efficiencies of the City by removing day-to-day transactions from the need to await Council deliberation and decision. The delegation of certain administrative functions also contributes to efficient Council meetings wherein routine matters can be facilitated without delay. Councils generally delegate certain powers and duties to administrative staff where there is no need for public involvement or political input, which serves to streamline the administrative process and enhance customer service. An important factor in any such delegation is that Council will maintain the ability to revoke any delegated power at any time. Approval of a delegation by-law succinctly sets out the tools necessary to ensure the ability to respond to issues in a timely manner, thus enhancing service levels to the community.

The proposed by-law sets out which municipal officers, employees, or agents are responsible for undertaking the delegated actions, all of whom are professionals with accountability for the duties that are delegated.

Discussion:

The delegation of power and duties is a tool broadly utilized throughout Ontario. During the preparation and analysis of the Delegation of Powers and Duties By-law for Council consideration, no fewer than twenty various municipal by-laws and policies were reviewed in order to analyze what options might be best suited to the City. Each member of the Senior Management Team reviewed samples and best practice criteria and together reviewed the by-law presented for Council's consideration through this report. Consideration was given to each item listed in the by-law with the lens to identify if the function is:

- routine or minor in nature;
- generally would not prompt Council debate;
- provision of more efficient customer service through delegation.

For example, if a charitable event wants a fee waived for the use of a City facility, the request would have to be approved by Council. If the request is received too close to the date of the Council meeting, it may take several weeks before the request is considered by Council. This may result in the Council approval being sought after the intended date of the event. By using delegation of power and duties, the appropriate staff member could better assist a community group in obtaining the approval and reaching the intended outcome in a timely manner.

The draft by-law represents previous delegations that were made by resolution or adopted by by-law, policy, or common practice, and consolidates them into one by-law document.

Internal Consultations:

Staff from the City's Senior Management Team have worked together to develop the proposed list of delegated powers and duties.

Financial Implications:

There are no direct financial costs to the municipality.

Public Engagement:

This section is not applicable.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Environment and Climate Change
 - Welcoming, Livable, Healthy Community
 - Economic Prosperity
 - Increased Housing Options
 - Sustainable and Resilient Infrastructure
-

Conclusion:

Staff recommend the adoption of a Delegation of Power and Duties By-law to promote efficiency, improve customer service, and streamline administrative processes by delegating certain administrative tasks to City staff and committees.

Appendices:

- a. Draft Delegation of Power and Duties By-law

Respectfully submitted,

Scott Luey
Chief Administrative Officer
905-835-2900 x 306
Scott.Luey@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Delegate Certain Powers and Duties under the *Municipal Act*, S.O. 2001 c.25, the *Planning Act*, R.S.O. 1990 c. P. 13, and other Acts to Municipal Officers and Employees

Whereas Section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the Act) authorizes a municipality to delegate its powers and duties under the Act or any other Act to a person or body, subject to the rules and restrictions set out in Part II of the Act;

And whereas Section 224 (d) of the Act states that it is the role of Council to ensure that administrative policies, practices, and procedures are in place to implement the decisions of Council;

And whereas Section 227 of the Act states that it is the role of officers and employees of the municipality to: (a) implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions; and (c) carry out other duties under this or any other Act and other duties assigned by the municipality;

And whereas the Council of the Corporation of the City of Port Colborne deems it expedient to delegate certain routine administrative functions to staff to improve business efficiencies while adhering to the principles of accountability and transparency,

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

Definitions

For the purposes of this by-law the following words shall mean:

"Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

"CAO" shall mean the Chief Administrative Officer of The Corporation of the City of Port Colborne;

"City" means The Corporation of the City of Port Colborne,

and "Corporation" has a corresponding meaning;

"City Clerk" shall mean the City Clerk of The Corporation of the City of Port Colborne, whose duties are assigned under subsection 228 (1) of the Act, and includes the Deputy Clerk or any Deputy acting under the direction of the City Clerk or any successor position thereof;

"Council" means the elected Council of The Corporation of the City of Port Colborne;

"Delegation" means duties conferred by Council on City staff, and is inclusive of both powers delegated from Council to City staff and powers granted by Council to City staff;

and "delegated power" has a corresponding meaning;

"Department Head" means a member of the Corporate Leadership Team;

"Designate" means a person appointed by an individual named in Schedule "A" to exercise their authority under this by-law;

and "delegate" has a corresponding meaning;

“Document” means any written instrument whether on paper or in electronic form including, without limiting the foregoing, any contract, agreement, deed, memorandum, letter of intent, application, permit, release, waiver or acknowledgement which, when executed, will have or is intended to have the effect of causing the City to be bound in a legally enforceable relationship with any other person, but shall not include:

- a) any cheques, bank drafts, orders for payment of money, promissory notes, acceptances, bills of exchange, debentures, and any similar instruments; and
- b) correspondence, whether by letter or in electronic form, intended to convey information or confirm a position on a matter, but not intended to create a contract or agreement between the City and any other person, whether or not a legally enforceable right or remedy is created thereby;

And “documents” has a corresponding meaning;

“Execute” means to complete the formalities intended to give effect to a document and may include any one or more of the following formalities as may be required in the circumstances:

- a) signing the document;
- b) causing the seal of the City to be affixed to the document; and
- c) causing delivery of the document to be made to the other parties thereto;

“Procurement Policy” means Administrative Policy No. FIN – 05, amended; and

“Signing officer(s)” has the meaning ascribed to it in section 18 of this By-law.

Administration

1. The short title of this By-law is the “Delegation of Authority By-law”.
2. Any reference to legislation, regulations, and to by-laws in this By-law shall be interpreted to include all amendments to and any successor legislation thereof.
3. It is the opinion of Council that any of the legislative powers delegated pursuant to this By-law are of a minor nature within the meaning of subsection 23.2(4) of the Act.
4. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every other provision of this By-law, authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.
5. All documents to be executed shall be prepared in a sufficient number of identical originals to permit at least one executed original, which may be executed in counterparts, to be retained by the City, except that, if the document provides that electronic signatures or execution in counterparts with exchange by PDF and e-mail are sufficient, an executed original is not required.
6. The initiator of any document shall arrange for the execution of such document by the appropriate signing officers.
7. A copy of each fully executed document shall be forwarded to the Office of the City Clerk after execution, and the remaining originals, if any, shall be kept by the Department Head with primary oversight for the contract or agreement to which the document pertains.
8. The Department Head with primary oversight for a contract or agreement shall be responsible for the distribution of the executed document.

9. A document executed under authority delegated by this By-law shall first be approved as to content by the CAO and the Department Head responsible for the relevant department, or a delegate of the Department Head and, when required, approved as to form by the City Solicitor.
10. Schedule "A" – "Delegation of Powers and Duties" attached hereto forms part of this By-law.
11. Where specified, delegated authority set out in Schedule "A" to this By-law and exercised shall be reported on an annual basis to Council, or a Committee of the Council, by the Deputy CAO described as responsible for the delegated authority.

Nature and Scope of the Delegation of Powers and Duties

12. Section 23.3 (1) of the Act sets out the specific circumstances in which a municipality cannot delegate its powers or duties as follows:
 - a) appointing or removing officers of the municipality whose appointment is required by the Act (i.e. Clerk or Treasurer);
 - b) imposing taxes;
 - c) incorporating corporations;
 - d) adopting or amending the official plan;
 - e) passing zoning by-laws;
 - f) passing bonusing by-laws related to small businesses operating or proposing to operate in the municipality or bonusing by-laws related to the provision of municipal capital facilities;
 - g) adopting community improvement plans which include bonusing arrangements;
 - h) adopting or amending the municipal budget; and
 - i) other powers or duties as prescribed;
13. Council delegates the powers and duties set out in the attached Schedule "A" to those officers, employees, committees or tribunals listed therein and subject to any limitations specified therein.
14. Council retains the authority to revoke any power delegated by this By-law at any time.
15. All delegations shall be deemed to include the CAO, with the exception of delegations to the City Clerk and the City Treasurer.
16. Unless otherwise noted, where there a delegation has been assigned in Schedule "A", the Delegate may further designate an individual, in writing, to act in their place. In the event of the sudden departure of a delegate, the CAO may designate an individual, in writing, to act in the delegate's place. Sub-delegations may be time-limited to service temporary absences, or long-term to facilitate corporate workflow. The maintenance of the written sub-delegation is the responsibility of delegator.
17. Where the exercise of a delegated power or duty requires the expenditure of money or subjects the Corporation to a potential financial loss or obligation, funding for the expenditure or provision for the potential loss or obligation must be included in an approved budget or managed in alignment with reserve fund policies under the advisement of the City Treasurer. All relevant requirements of the City's policies, including the Procurement Policy shall be followed as a condition to the exercise of the delegated authority.

Appointment of Signing Officers

18. Subject to the requirements of this By-law and any statute regarding the execution of any particular kind of document, an employee or officer of the City, who at the time

of execution of any document holds any of the following offices or positions, is a signing officer of the City and has the authority to execute the document on its behalf:

- a) the Mayor;
- b) the CAO; and
- c) the City Clerk.

19. In addition to the signing officers designated in section 18 of this By-law, a document listed in the delegation column of Schedule A of this By-law is considered a routine document, which may be executed by an employee or officer of the City of Port Colborne who, at the time of execution of the particular document, holds any one of the offices or positions set out in the delegate column of Schedule A, and they shall be considered to be signing officers but only for the limited purposes of the documents set out in Schedule A, that they are authorized to sign, provided that all other provisions of this By-law are complied with.

20. Should any position listed as a delegate in Schedule “A” become vacant, or should any such delegate be absent or otherwise unable to carry out the delegation pursuant to this By-law:

- a) if there is a By-law which designates a deputy or other acting person as having the authority of the person holding the position or office of the Delegate, such deputy or acting person is authorized to exercise the authority of the Delegate under this Bylaw; and
- b) unless otherwise prohibited, any employee or officer of the City appointed in writing by the Delegate as acting in the position or office of the Delegate in their absence is authorized to exercise the authority of the Delegate under this By-law.

Enacted and passed this ____ day of _____, 2023.

William C. Steele
MAYOR

Saima Tufail
ACTING CITY CLERK

SCHEDULE “A” – Delegation of Powers and Duties

Office of the Chief Administrative Officer

<u>Chief Administrative Officer</u>		
Delegation	Delegate	Conditions/Restrictions
Entering into agreements necessary to complete capital projects including but not limited to acquiring or disposing of easements provided value of consideration does not exceed \$100,000, pursuant to the <i>Municipal Act, 2001, SO. 2001, C.25</i> , as amended.	Chief Administrative Officer	Terms and conditions of such agreements and related documents must be acceptable to City solicitor.
Develop, approve, and implement administrative policies, procedures, and practices, including but not limited to Human Resources, pursuant to the <i>Municipal Act, 2001, SO. 2001, C.25</i> , as amended.	Chief Administrative Officer	In consultation with Manager of Human Resources and/or delegation to appropriate department director, pursuant to City policies.
<u>Economic Development & Tourism Services</u>		
Delegation	Delegate	Conditions/Restrictions
Provide commentary, feedback, and information to provincial and federal governments regarding legislative/regulatory changes.	Manager of Strategic Initiatives	Commentary, feedback, and information provided to provincial and federal governments is to be from a staff opinion and not on behalf of the Mayor and Council.
Execute agreements for pop-up patios, pursuant to the Encroachment By-law.	Economic Development Officer	Consult with Planning and By-law Enforcement Services regarding the variance process. Report to Council.

Amend the Filming Policy for procedural purposes, pursuant to the Filming Policy/By-law.	City Clerk or designate	
Issue film permits, approve exemptions to the Noise By-law for projects with a film permit, and execute any related documents resulting from the administration of the Filming Policy, pursuant to the Filming Policy/By-law and the Noise By-law.	City Clerk or designate	
Negotiate with film permit applicants the price of rates and fees for any good or service not identified in the Rates and Fees By-law, pursuant to the Filming Policy/By-law and the Rates and Fees By-law.	Director, Corporate Services/Treasurer or designate	
Approve temporary road closures, intermittent traffic control, and traffic sign alteration, removal or control as requested by film permit applicants, pursuant to the Filming Policy/By-law.	Director of Public Works or designate	
Approve permits for fireworks displays and discharging of fireworks, as well as variances to the Open Air Burning and Recreational Fires By-law and Discharge of Firearms By-law, as requested by film permit applicants, pursuant to the Filming Policy/By-law and other applicable by-laws.	Fire Chief/Director of Community Safety and Enforcement or designate	
<u>Planning Division</u>		
Delegation	Delegate	Conditions/Restrictions
Draft Condominium Approval, pursuant to the <i>Planning Act</i> , R.S.O. 1990, c. P. 13.	Chief Planner or designate	
Draft Condominium Exemption, pursuant to the <i>Planning Act</i> , R.S.O. 1990, c. P. 13.	Chief Planner or designate	

Part Lot Control, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	Subsequent By-law to Council
Approve Site Plan Control Agreements, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	
Amendments to Site Plan Agreements, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	
Approve Development Agreements, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	
Removal of a Holding Provision when all conditions have been fulfilled, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	Subsequent By-law to Council for the removal
<u>Building Division</u>		
Delegation	Delegate	Conditions/Restrictions
Authority to enter into limiting distance agreements, pursuant to the <i>Building Code Act, 1992, S.O 1992, c. 23.</i>	Chief Building Official	Agreements acceptable to City Solicitor.
Authority to enter into conditional building permit agreements, pursuant to the Building Code Act, 1992, S.O 1992, c. 23.	Chief Building Official	Agreements acceptable to City Solicitor.
<u>City Clerk</u>		
Delegation	Delegate	Conditions/Restrictions
Signing authority for agreements under by-law and/or pursuant to tender awards, pursuant to the <i>Municipal Act, 2001, S.O. 2001, C.25, as amended.</i>	City Clerk	All agreements authorized by municipal by-law; affix corporate seal; two signatures required.

		Note: Deputy Mayor in absence of Mayor; Deputy Clerk or Chief Administrative Officer in absence of Clerk.
Approve the execution, amendment or termination of agreements or grant applications with the Government of Canada; the Government of Ontario; an agency of the Government of Ontario or the Government of Canada; or other grantor organizations providing funding to municipalities with respect to funding commitments for City initiatives, programs or operations.	City Clerk	Subject to any City funding requirements. Applications may be made so long as the grant will not require additional expenses not already approved by Council. The grant must be at no cost to the City or funded through a current year's operating or capital budget, which has been approved by Council. Reporting to Council will be done to provide notification of a received grant.
Returning Officer responsible for administration of all municipal general elections and all by-elections, pursuant to the <i>Municipal Elections Act, 1996, S.O. 1996, c. 32.</i>	City Clerk	Prepare and update forms and written procedures for all components of conducting an election.
Designate an event as an event of municipal significance for the purpose of prescribing it as a special event occasion where an application has been made, pursuant to the <i>Liquor License Act R.S.O. 1990, c. L. 19.</i>	City Clerk	Compliance with all applicable Alcohol and Gaming Commission (AGCO) regulations. Consultation with applicable City and/or Regional approvals for licensing.
Issuance of "Letters of No Objection" for temporary liquor licence extensions, pursuant to the <i>Liquor License Act R.S.O. 1990, c. L. 19.</i>	City Clerk	Consultation with applicable City departments.
Liquor Licence Municipal Clearance (Wet/Dry Status), pursuant to the <i>Liquor License Act R.S.O. 1990, c. L. 19.</i>	City Clerk	Issue subject to municipal clearance by agencies/departments as per AGCO regulations.
Issuance of "Tag Day" approvals for non-profit organizations, pursuant to the <i>Income Tax Act (Canada).</i>	City Clerk	
Issuance of Lottery Licenses, pursuant to the <i>Criminal Code (Canada) Order in Council 1413/08 Gaming Control Act, 1992</i>	City Clerk	Compliance with all applicable AGCO regulations and Lottery Licensing Policy Manual (LLPM)

Records management oversight, pursuant to the <i>Municipal Act, 2001, S.O. 2001, C. 25</i> , as amended.	City Clerk	
All powers and duties under the <i>Municipal Freedom of Information and Protection of Privacy Act</i> , pursuant to <i>Municipal Freedom of Information and Protection of Privacy Act</i> .	City Clerk	Associated policy.
By virtue of office: Division Registrar, Commissioner of Oaths, and Licensing of Marriage, pursuant to the <i>Commissioner for Taking Affidavits Act, R.S.O. 1990, c. C. 17</i> , the <i>Marriage Act, R.S.O. 1990, c. V.4</i> , and the <i>Vital Statistics Act, R.S.O. 1990, c. V.4</i> .	City Clerk	
Marriage Officiant, pursuant to the <i>Marriage Act, R.S.O. 1990, c. V.4</i> .	City Clerk and CAO	
Municipal Licensing, pursuant to all applicable by-laws and policies.	City Clerk	Subject to all applicable by-laws and policies; consultation with applicable departmental authorities.
Approval of proclamations	City Clerk	Initial proclamation subject to council approval.

Corporate Services

<u>Human Resources</u>		
Delegation	Delegate	Conditions/Restrictions
Negotiate and execute employment grants, including related documentation.	Chief Human Resources Officer (CHRO)	Consultation with appropriate department director.
Negotiate and execute contracts of employment (full-time and/or temporary), including related documentation, pursuant to the <i>Ontario Human Rights Code, AODA, MFIPPA, Pay Equity Act, and Employment Standards Act</i> .	CHRO or designate	Subject to an identified funding source.
Negotiate collective agreements and prepare and send Memoranda of Agreements pertaining to collective bargaining negotiations, provided that such memoranda are conditional upon Council approval, pursuant to the <i>Labour Relations Act</i> .	CHRO or designate	Subject to an identified funding source. In collaboration with the CAO, Director of Corporate Services/ Treasurer, and legal representation.
Administer and execute all documentation and remit payments related to pay and payroll deductions (including but not limited to Canada Pension Plan (CPP), Employment Insurance (EI), Employer Health Tax (EHT), Long-term Disability (LTD), Ontario Municipal Employees Retirement System (OMERS) and other documentation and remittances to government agencies, unions and/or employees such as T4 tax preparation and pay equity adjustments, and others by way of court ordered deductions, pursuant to the <i>Pay Equity Act, Employment Standards Act, Canada Income Tax Act, Pension Benefits Act, Canada Pension Plan, Employment Insurance Act, Employer Health Tax Act, Workers' Compensation Act, and Ontario Municipal Employees Retirement System Act</i> .	CHRO or designate	Subject to an identified funding source.

Negotiation and execute minutes of settlement of any labour relations matter (union or non-union), including related documentation, pursuant to the <i>Labour Relations Act</i> .	CHRO or designate	Subject to an identified funding source. In collaboration with the CAO, Director of the impacted department and legal.
Administer and execute all documentation and remit payments related to benefits that include but are not limited to health, dental, short-term disability (STD), LTD, workplace safety and insurance boards (WSIB), OMERS and execute all associated documentation, pursuant to the <i>Workplace Safety and Insurance Act</i> , <i>Pension Benefits Act</i> , <i>Workers Compensation Act</i> , and <i>Ontario Municipal Employees Retirement System Act</i> .	CHRO or designate	Subject to an identified funding source.
<u>Financial Services</u>		
Delegation	Delegate	Conditions/Restrictions
Execute agreements required for the delivery of bank and investment services to the City and related trust accounts, including agreements for purchasing cards and related electronic services but excluding credit and financing facilities such as debentures, mortgages, loans and lines of credit, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate	
Transfer funds between City and related trust bank accounts and/or investments accounts to fulfill financial obligations, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate	
Execute contracts on behalf of the City for future utility commodity purchases up to two years in advance to a maximum of 2/3 of historical volumes, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate	Decision to purchase must be documented and based on a third-party recommendation.

Approve the write-off of an amount owing to the city and refunds disbursed from the City ≤0.1% of the Tax Levy, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate	
Implement a general insurance program, including the negotiation and execution of insurance agreements with person(s) or agencies that provide services under the general insurance program, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate.	
Negotiate and settle claims against the municipality, pursuant to the <i>Municipal Act, 2001, S.O. 2001, C.25</i> , as amended, and all applicable policies and by-laws.	Director, Corporate Services/Treasurer	Consultation with insurance adjuster and appropriate department director and City's claims administration policy.
Authority to sign any document related to collection of property taxes and property assessment-related issues, including, but not limited to: Tax Certificates; Tax Arrears Certificates; Notices of Registration; Statutory Declarations; Final Notices; Tax Arrears Cancellation Certificates; Extension Agreements; Tax Deeds; Notices of Vesting; Statements of Compliance; Payments into Court; Notices of Forfeiture; Bailiff Warrants to Distrain for Taxes; Bailiff Notices of Seizure; Bailiff Notices of Attornment of Rent; Municipal Property Assessment Corporation documents; Minutes of Settlement; and ARB documents.	Director, Corporate Services/Treasurer or Designate	This delegation cannot be exercised by the CAO. Allowance for appeal write-offs must be within the total amount approved for net supplemental taxes and write-offs as part of the annual operating budget.
Recreation Division		
Delegation	Delegate	Conditions/Restrictions
Execute any and all recreation and facility rental agreements, and issue and process any permits required for the execution of such agreements, with and on behalf of user groups and stakeholders.	Supervisor, Recreation and Marina and/or Manager, Recreation, or Designate(s)	Follow Council approval allocation for priority users (youth, minor sports, schools, and locals first)

Approve temporary road closures for municipally-run events or events of municipal significance including, but not limited to, Canada Day, Canal Days, and the Santa Claus Parade	Director, Public Works or Manager of Operations	Road closure plan reviewed and approved by By-law. Third party events requesting road closures will be brought in a report to Council for approval unless otherwise delegated.
Approve variances or exemptions to the Noise By-law for municipally-run events or events of municipal significance including, but not limited to, Canada Day, Canal Days, and the Santa Claus Parade.	Manager of By-Law Services	Event plan reviewed and approved by By-law. Third party events requesting a variance will be brought in a report to Council for approval unless otherwise delegated.
Facilitate the disposition of abandoned boats from marina slips or storage facility.	Manager, Recreation or Designate	Consult with City Solicitor.
<u>Information Technology Division</u>		
Delegation	Delegate	Conditions/Restrictions
Execute agreements related to data sharing and/or licensing with third parties	Manager of Information Technology	

Community Safety and Enforcement

<u>Fire and Emergency Services Division</u>		
Delegation	Delegate	Conditions/Restrictions
Enter into Fire Service Agreements for provision of fire protection services to lands located outside Port Colborne or receive services from a fire department located out of Port Colborne.	Fire Chief/Director of Community Safety and Enforcement	Agreement acceptable to City Solicitor. Report to Council.
Activate an emergency plan and implement municipal emergency control group notification.	CEMC	Decision to be made in accordance with City Emergency Plan. Mayor and CAO advised as soon as possible.
Enter into agreements for mutual or automatic aid management operations or emergency response outside scope of Emergency response such as but not limited to chemical, biological, radiological, nuclear, high yield explosive, Hazmat, confined space, high angle rescue.	Fire Chief/Director of Community Safety and Enforcement	Agreement acceptable to City Solicitor. Report to Council.
Execute agreements for emergency management and emergency response for services such as Red Cross, Transit, Niagara Region Police, Ontario Provincial Police, etc.	Fire Chief/Director of Community Safety and Enforcement	Agreement acceptable to City Solicitor. Report to Council.
Process and issue permits pertaining to fireworks displays and discharging of fireworks, pursuant to the Fireworks By-law.	Fire Chief/Director of Community Safety and Enforcement	
Designate Fire Routes once satisfied requirements have been complied with and submit to By-law for approval.	Fire Chief/Director of Community Safety and Enforcement	Council to approve designation by-law. Council pre-approval not required.

Authority to take all proper measures for prevention, control and extinguishment of fires and protection of life and property and shall exercise all powers mandated by legislation, pursuant to the <i>Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4.</i>	Fire Chief/Director of Community Safety and Enforcement	
Approval and signing authority to execute agreements and documents to provide fire and public safety training, facility and equipment rentals, and other related fees for services to external clients.	Fire Chief/Director of Community Safety and Enforcement	
Ability to review and rescind bills issued by the Fire Service.	Fire Chief/Director of Community Safety and Enforcement	
<u>By-law Enforcement Services</u>		
Delegation	Delegate	Conditions/Restrictions
Approve temporary noise variances, pursuant to the Noise By-law.	City Clerk/Manager of By-law Services/Fire Chief/Director of Community Safety and Enforcement	Temporary nature.
Approve minor variances to the Sign By-law including but not limited to extensions and minor technical non-compliance, pursuant to the Sign By-law.	Chief Building Official	Consult with By-law Enforcement Services and variance process. Report to Council.
Approve minor variances to the Fence By-law including but not limited to extensions and minor technical non-compliance, pursuant to the Fence By-law.	Manager of By-law Services/Fire Chief/ Director of Community Safety and Enforcement	Consult with public and variance process. Report to Council.

Enter into Encroachment Agreements on road allowances and over easements with private property owners.	Chief Planner	Consult with By-law Enforcement Services and Director of Public Works. Agreements acceptable to City Clerk. Conditional but not limited to obtaining survey, covenants to protect the City. Once satisfied, submit by-law for Council approval.
Authority to amend the schedules that regulate stopping prohibition, stop controlled intersections, parking prohibition, limited parking restrictions, parking meter zones, commercial vehicle load permits, loading prohibitions, yield signs, prohibited turns, one-way highways, and speed limits on highways under the jurisdiction of the City of Port Colborne.	Director of Public Works	Consult with By-law Enforcement Services.
Appeal of parking ticket.	Screening Officer	
Appeal of screening review.	Hearing Officer	
Appoint a Hearing Officer, pursuant to the Inter-municipal agreement.	CAO/Director of Community Safety and Enforcement	
Appoint a Municipal Law Enforcement Officer.	Director of Community Safety and Enforcement	Report to Council.
Appoint a Property Standards Officer.	Director of Community Safety and Enforcement	Report to Council.
Negotiate and settle claims against the city within insurance deductible limit	City Clerk	Consult with Director of Community Safety and Enforcement/Manager of By-law Services.
Authority to appoint temporary staff parking enforcement	Director of Community Safety and Enforcement	

Public Works

<u>Road and Transportation Services</u>		
Delegation	Delegate	Conditions/Restrictions
Designate construction zones where municipal permit involves construction or repair of a highway or works near a highway, including authority to designate a lower rate of speed for vehicles traveling in construction zones, pursuant to the <i>Highway Traffic Act, R.S.O. 1990, c. H.8.</i>	Director of Public Works	Consultation with Planning Division
Agreements, including cost sharing agreements between the City of Port Colborne and local area municipalities in Niagara Region, regarding road construction and/or road maintenance.	Director of Public Works	
Temporary reduction or lifting of load limits on highway, including designation of alternate routes where applicable.	Director of Public Works	Consultation with Fire Chief/Director of Community Safety and Enforcement and Manager of By-law Enforcement Services
Authority to declare a significant weather event in order to extend the response time to achieve Minimum Maintenance Standards, pursuant to <i>Ontario Regulation 239/02 – Minimum Maintenance Standards for Municipal Highways.</i>	Director of Public Works	
Authority to sign agreements with Railway Authorities for cost sharing or warning systems and maintenance at level railway crossings.	Director of Public Works	
Authority to provide reciprocal assistance to Public Works Departments in other local area municipalities, pursuant to the Mutual Aid Agreement between local area municipalities and the Niagara Region.	Director of Public Works	

Approve temporary road closures, intermittent traffic control, and traffic sign alteration, removal, or control.	Director of Public Works	
Authorization to close municipal parks due to seasonal restrictions, inclement weather, and emergencies which could affect the health and well-being of the community.	Director of Public Works	
Authorization to control and manage each cemetery under the jurisdiction of the City of Port Colborne, pursuant to the City Cemetery By-law and the <i>Cemeteries Act</i> .	Director of Public Works/ Manager of Operations	
<u>Water and Wastewater</u>		
Delegation	Delegate	Conditions/Restrictions
Authority to sign applications with the Ministry of Environment, Conservation, & Parks, pursuant to the <i>Ontario Water Resources Act</i> .	Director of Public Works	
Authority to provide reciprocal assistance to Public Works Departments in other local area municipalities, pursuant to the Memorandum of Understanding between local area municipalities and Niagara Region.	Director of Public Works	
Authority to designate the Overall Responsible Operator (ORO) and the Drinking Water Quality Management System Representative for the City's water distribution system, pursuant to the City of Port Colborne DWQMS Operational Plan and the <i>Safe Drinking Water Act</i> , O. Reg. 170-03.	Director of Public Works	

Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

October 23, 2023

CL 14-2023, October 19, 2023

PEDC 10-2023, October 11, 2023

PDS 30-2023, October 11, 2023

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

Areas of Strategic Focus for Shared Services

PDS 30-2023

Regional Council, at its meeting held on October 19, 2023, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 30-2023, dated October 11, 2023, respecting Areas of Strategic Focus for Shared Services, **BE RECEIVED** and **BE CIRCULATED** to Local Area Municipalities for information.

A copy of PDS 30-2023 is enclosed for your reference.

Yours truly,



Ann-Marie Norio
Regional Clerk

js

CLK-C 2023-122

cc:

M. Robinson, Director, Strategic Transformation Office

M. Sergi, Commissioner, Growth, Strategy and Economic Development

N. Oakes, Executive Assistant to the Commissioner, Growth, Strategy and Economic Development

Subject: Areas of Strategic Focus for Shared Services

Report to: Planning and Economic Development Committee

Report date: Wednesday, October 11, 2023

Recommendations

1. That Report PDS 30-2023 **BE RECEIVED** for information; and
2. That this report **BE CIRCULATED** to Local Area Municipalities for information.

Key Facts

- The purpose of this report is to provide an update on the initial key areas of focus of the newly created Strategic Transformation Office, related to support of the Area Chief Administrative Officers (CAOs) Shared Services Working Group.
- Initial timelines for the first phases of shared services activities are included, considering recent provincial announcements and advocacy efforts.
- Significant successes in shared services have been achieved to date involving every Niagara municipality and will continue under the guidance of the Area CAOs.
- Although a long list of shared service opportunities exist (see Appendix 1), focusing on supporting provincial objectives of more efficient government and building more homes faster remain primary factors in identifying the initial set of focus projects.

Financial Considerations

All costs associated with supporting, executing or implementing any new shared service initiatives recommended by the CAO Working Group which require Niagara Region investments or interventions would be the subject of subsequent reports to Council if undertaken outside of identified operating budgets – specifically that of the Strategic Transformation Office.

Staff continue to monitor federal and provincial grant opportunities as a possible offset for the exploration and execution of new, high impact or high complexity shared services initiatives. For example, the Region's pre-budget advocacy to the province,

along with recent efforts at the Association of Municipalities of Ontario (AMO) conference, includes a request that the Ministry of Municipal Affairs and Housing reintroduce and expand the Municipal Modernization Program so that it applies to regional governments and two-tier shared services arrangements.

In some cases, contributions from specific municipalities to undertake work that exclusively affects them may also be considered, much like the shared commitment to resource a dedicated Project Lead to support the shared services initiatives referenced herein and previously approved in CAO 2-2021.

Analysis

Background

In March 2023, the Strategic Transformation Office (the Office) was established under the new Growth, Strategy and Economic Development Department, to provide the Corporation with dedicated staff who will operate as a project office to deliver on large scale, key Regional Council and corporate strategic transformational priority objectives. These objectives are defined as having widespread impact to the community and generally require a great deal of engagement and support from Niagara municipalities, as well as various other levels of government. The focus of the Office is to work on projects that change how Niagara Region operates and conducts business, so that services are delivered to residents in the most efficient manner possible.

One of the key priority areas of focus for the Office is assisting with identifying, coordinating, facilitating, and/or enabling more shared services opportunities between and among Niagara's municipalities, using dedicated staff and resources. With Niagara's CAOs having established a Shared Services Working Group dating back to pre-pandemic efforts, the new Office will act as a support to identify opportunities to work with them to drive results between parties. As referenced in report PDS 10-2023 and further examined below, some of this work may include projects or partners that do not include Niagara Region or are limited to only a few municipalities for a variety of reasons, further demonstrating that shared services are being prioritized across all municipal partners, in addition to any which may involve both the Region and municipalities together. A significant number of successful shared services arrangements have been achieved over the years, led by Niagara's CAOs and municipal senior staff efforts, employing a combination of arrangements ranging from formal to informal.

Successes

Niagara's CAOs have been pursuing shared services – both in terms of shared services amongst area municipalities (i.e., libraries, fire services), as well as between the Region and municipalities (i.e., transit, financial management software) – to make services more seamless and cost-effective, and processes more efficient for residents and business. Previous studies by KPMG and StrategyCorp dating back to recent pre-pandemic initiatives identified numerous additional opportunities with potential for shared service arrangements, which are further documented in reports brought to Regional Council and referenced in Appendix 1.

Shared services can be defined in a number of ways, the categories of which have been examined in prior reports to Council (see CAO 2-2021, CAO 2-2023) and cover formal initiatives like fee-for-services secured under Service Level Agreements, consolidation of services into a single delivery or governance regime, or Niagara Region and municipally led procurements where 'piggyback' clauses are secured to allow for additional partners to join; to more informal types of shared services like mutual aid-type business continuity arrangements between smaller municipalities, collaborative Communities of Practice to share knowledge and best practices, and include more visible public collaborations on coordination of advocacy and relationships with upper orders of government on large projects involving multiple municipalities. Shared service examples encompass both front-of-house, resident-facing services (e.g., fire services, transit) and back-of-house, administrative services (e.g., financial management software, joint compliance audits).

To the credit of many Area Municipalities, a variety of shared services varying in scope, complexity, financial and operational savings, have already been actioned from shared fire service pilots, mergers of libraries, amalgamation of transit, and coordination of animal control services among many others. Although not an exhaustive list, the following are some examples of some of Niagara's shared services successes to date.

Integrated Transit

Recognizing the need for better coordination of service planning, connectivity to the GO Transit network, more consistent service for riders, better longer-term resourcing, and an equitable funding model to enable growth of the system to service all 12 municipalities, a new transit system for Niagara was launched in January 2023. Prior to the amalgamation, transit had been delivered separately and independently at both the

regional and local levels by more than five separate municipalities operating under ten distinct brands. Now operating as Niagara Region Transit, transit has been integrated into a single organization that now operates public transit across Niagara, as an arms-length entity of Niagara Region, serving all 12 municipalities.

Coordinated Financial Management Software

A number of municipalities have financial systems that have exceeded their lifespans and must be replaced. With differing sizes, scope and needs, two models have been identified for this work – a larger system wherein partners share the Region’s provider and utilize the Region as backend support; and a smaller scale system wherein municipal partners have procured the same system vendor and share troubleshooting, software administration and staff resourcing.

In June 2022, Regional Council endorsed a staff proposal to share its financial management system with the City of St. Catharines, complete with an implementation workplan, project agreement, and a shared service agreement, so that Niagara Region would become St. Catharines’ financial management software and support provider. This work is underway and is projected to launch in 2024. Alternatively, multiple municipalities have undertaken a joint procurement to acquire Diamond software to create better buying power, shared resources, and appropriate cost containment for the financial needs of their municipalities.

Shared Fire Service Pilot

In October 2021, the municipalities of Grimsby and Lincoln entered into a shared fire service pilot, establishing the Niagara West Fire and Emergency Services to serve the two neighbouring communities. A single fire department was created and a Joint Advisory Committee consisting of members of Council from both municipalities was established to oversee and provide governance to the service area. A Fire Master Plan was carried out through a third party. The pilot received national recognition in 2022 when it was presented with the Collaboration Award of Excellence from the Canadian Association of Municipal Administrators.

Merged Library Services

In April 2022, Lincoln and Pelham successfully merged their library systems. Building upon initial successes with collective purchasing and reciprocal borrowing agreements, the municipalities now share services, programs, and staff. This has improved service

delivery through resource sharing, reduced duplication of roles, and enabled increased allocations to front-line staffing and social programs.

Joint Procurement for Animal Care and Control Services

In 2021, the Towns of Grimsby and Niagara-on-the-Lake released a joint Request for Purchase (RFP) for animal care and control services. By doing so, both municipalities were able to maximize economies of scale and streamline services, resulting in 40 percent savings. Other municipalities have indicated an interest in participating in the coordinated animal care and control service through a piggy-back clause once their existing contracts expire.

Municipal Elections and Municipal Act Legislation

In the last few municipal elections, including the 2022 municipal election, all Area Municipalities and the Public and Catholic school boards, have partnered in a Joint Election Compliance Audit Committee to gain efficiencies establishing Election Compliance Audit Committees as required under the *Municipal Elections Act*. This partnership allowed every municipality and the school boards access to one committee for this function as opposed to each being required to set up their own. There was also a joint RFPQ to secure an auditing firm in the event any compliance audit applications were granted and subject to an audit, preventing the need for a municipality who required an Auditor to seek one themselves.

A partnership was also formed to provide communication to the municipal and school board elections. “Niagara Votes” was a website set up as a “one stop shop” for all Niagara residents to access information for the 2022 municipal election and was in place for the 2018 election as well. Sharing these resources allowed all municipalities to expand the reach of their prescribed notices and engagement efforts, ensuring a unified, consistent approach to key messaging.

Additionally, a number of municipalities participated in a joint RFP to procure an electronic voting system. This minimized duplication of efforts, increased services at a reduced rate and ensured consistent customer service delivery across the participating municipalities. Niagara’s Area Clerks will be exploring this initiative further in the ramp-up to the next municipal election.

Niagara Region has also shared services with respect to obligations under the *Municipal Act* with regard to accountability and transparency. The Region’s RFPs for

both Integrity Commissioner Services and Lobbyist Registrar Services included provisions allowing municipalities to secure their own contracts with the Region's provider at the rate the Region pays for these services. This approach has provided an opportunity for area municipalities to secure these services without needing to go through a lengthy RFP process.

Shared Planning Services

With the passing of Bill 23 and the impending removal of Niagara Region as a municipality with planning authority, there will be a change in how planning services will be delivered in Niagara once a proclamation date is announced. In anticipation of this change, the CAOs and Planning Directors across Niagara's municipalities interested in developing a new model have come together to create a planning service agreement that supports the changes to provincial legislation and will assist municipalities in delivering planning services in a timely manner and ultimately lead to increasing Niagara's housing supply. Due to scale and budget constraints, not every municipality can hire the dedicated resources for some of the planning review functions, nor perhaps has the need for a full-time expert resource in some area of the planning review responsibilities. As a result, a planning service agreement has been tailored to each participating municipality to ensure they are equipped to undertake these additional planning responsibilities when proclamation occurs.

Having the ability to purchase a wide array of planning services from Niagara Region means the net new amount of planning support needed to ensure a smooth transition is minimized and is much more efficient and cost effective. Niagara has developed an innovative response to this change in planning authority, one that is flexible and optimal for service delivery for the specific context of Niagara and was achievable based on a long history of clearly defined responsibilities and delegating planning approvals to local area municipalities. Over the next few months participating municipalities are bringing reports seeking endorsement from their respective Councils.

IT Services

IT Solutions at Niagara Region continues to provide both formal and ad hoc shared services to both local area municipalities and the general broader public sector in Niagara. Specifically, Niagara Region IT Solutions provides Data Center Hosting services, GIS Web Map Hosting, and 911 Data services for several municipalities. Additionally, there have been shared procurements for software and services for all

municipalities (e.g., ESRI Enterprise Agreement, Arial Photography). Other examples of shared services in IT include Niagara Region hosting and managing Time and Attendance software for St. Catharines and is in the process of implementing a hosted PeopleSoft ERP solution for St. Catharines. Niagara Region also provides ad hoc staff augmentation (technical, leadership and advisory) to municipal partners to help address both short and long-term challenges.

These highlighted projects are examples of the ways that Niagara's municipalities are innovating and sharing resources and services to streamline the work delivered for business, residents, and visitors. Several are pilot projects which have proven successful and will become permanent partnerships going forward. Some, like transit, are completed projects, while other initiatives can expand to include more municipalities within new, successful shared service arrangements.

However, to continue to make further strides and deliver on the mandate to share more services, dedicated and focused resources are required to be able to implement additional targeted opportunities. At the Area CAO meeting held June 9, a number of municipalities identified continued pursuit of shared service opportunities as being prominent in their respective Council Strategic Plans; ensuring a renewed and sustained commitment to not only update the existing shared services initiatives workplan with current status of the existing projects (i.e. pilots, contracts, limited arrangements) but more strategically, to also determine which of those have been successful, can be extended or expanded, and in turn focus effort on what new initiatives will come next with the support of the new Office.

As a result of ongoing engagement with the Area CAOs, several priority projects rise to importance based on two key objectives, shared between the Province, Area Municipalities and Regional Council alike: achieving efficiency and effectiveness, including taxpayer affordability; and increasing housing opportunities capacity to get more homes to be built as quickly as possible. Larger projects will focus on improvements to systems and processes that will have a direct impact on delivering more homes, while less complex initiatives which affect more back-of-house administration, will focus on more efficient government services and adding capacity.

Next Steps

Appendix 1 identifies a long list of opportunities derived from multiple sources including the 2020 KPMG Sustainability Review, the StrategyCorp report commissioned by the Area CAOs (referenced in CAO 2-2021) and most recently, identified priorities of the Area CAO Working Group. To focus efforts, align with provincial priorities and work collaboratively with all partners, specific projects have been identified as being able to have high impact, high likelihood of success, and impacting these provincial objectives of efficiency of government and increasing housing supply. As previously mentioned, not all municipalities may be appropriate for each of these initiatives and in many instances, could simply result in a few municipalities working together on a service, in addition to larger Niagara-wide projects like a single tier water/wastewater model.

It is important to note that in the effort to identify and advance a service, process or program through a lens of potential for sharing in its resourcing or delivery between parties, some services may prove to have factors which do not enable it to proceed. In identifying shared service opportunities to explore, the CAO Working Group is not committing these projects to decision or implementation, but rather identifying the opportunities to initiate and proceed to the business case phase through further research, sensitivity analysis and/or process review. Some projects (and any subsequent changes) are entirely within staff's administrative delegated authority and can proceed (or not) on a case-by-case (or municipality-by-municipality) basis. Others may require Council or even provincial intervention to proceed. To be clear – a project identified as an opportunity to review, research and/or mobilize staff to explore further does not indicate a decision has in any way been made to take a position in any direction nor enact any specific changes; rather it signals that work is being undertaken to explore if opportunities to enact change may or may not exist based on the current status quo.

Based on the two shared provincial objectives of more efficient and effective government and increasing housing supply, the first initiative identified by the Area CAOs to explore is a coordinated building services model across the region. This examination would encompass improved building permit and inspection processes, thereby directly addressing the efficiency of municipal government in increasing the housing supply more expeditiously. Other more Niagara-specific benefits to this work will be examining how shared resources could also address an important area of concern as it relates to business continuity and reduced inter-municipal competition for the same labour pool, expertise and skills which is a critical concern for some CAOs.

In September 2021, the Region facilitated a kickoff meeting with the Area CAOs and Chief Building Officials (CBOs) to examine delivery of building services functions for interested municipalities with local capacity to carry out building inspections. The objective was to address recruitment challenges for specialized CBO positions, where limited individuals with specific skills move to other municipalities creating vacancies and in turn create significant staffing pressures on those left without any capacity; to maximize opportunities for resource sharing and workflow; to improve access to a wider array of qualified inspectors; and to provide access to resources for surge capacity where needed to assist neighbouring municipalities.

In support of these efforts, CBOs sought external legal advice and subject matter experts to assess the governance models that can be pursued in accordance with the *Building Code Act* and *Municipal Act*, and to determine business model options that would support equal or improved customer service levels. In September 2022, Niagara's CAOs endorsed moving forward with this preliminary work, although progress had halted. In keeping with direction provided by the Area CAOs in recent meetings, the Strategic Transformation Office will immediately pick up where prior efforts paused. Maximizing resources and workflow while being able to provide for surge capacity demand will all contribute to efficiency and effectiveness of Niagara's building inspections and will also help to create consistency in building inspection processes across the region. Additionally, achieving efficiency in the building inspection process will help to build homes and employment faster.

It is also worth noting that delivery of water and wastewater services in a consolidated model has also been identified as a critical way in which Niagara could advance the provincial objective of building more homes faster and increasing housing supply. Although a critical underpinning of the support infrastructure needed to enact more homes, it is also recognized that three prior attempts to proactively pursue a single tier water/wastewater model have not resulted in success. This service is one example of where provincial intervention could assist through legislation to support any movement toward a consolidated model.

In keeping with the objective of efficiency and effectiveness of municipal services, particularly with an eye toward ensuring best value for taxpayers, Area CAOs have identified other significant projects to pursue including a review of road maintenance services, opportunities for joint procurement process and policy governance, and expanding on joint procurement of even more goods and services.

Smaller, less complex projects that will improve administrative effectiveness and efficiency have been classified as 'policy alignment' projects. These projects will involve several or few municipalities depending on need and be in more of an opt-in/ opt-out scenario. The projects are also relatively smaller in scope and scale and will be completed much more quickly. With a long list of opportunities, once one is completed the next one will be initiated. Policy alignment projects include opportunities where municipalities have identified gaps in resources, capacity, and/or establishing policy baselines or policy revisions for example. Those at or near the top of the list of policy alignment opportunities include IT policies, including increased cybersecurity defence (depending on scope this may rise to the more complex category); climate change; accessibility compliance; diversity, equity and inclusion; crime prevention through environmental design; corporate communications; human resources; and health and safety. These opportunities range from required to discretionary and do not affect every municipality equally hence smaller groups looking at these policy alignments.

Lastly, it is important to note that no outcomes, models of delivery, or specific municipal participation has been committed to at this time. The above are the identified list of priorities for the next steps in work on shared services, with building services alignment and road maintenance services being the two most critical and impactful projects to be explored. Policy changes, while equally important but less tangible for the public, will be undertaken systematically and based on consensus and need, invoking participation from relevant municipalities on a case-by-case basis.

In terms of timing, the CAO Working Group has been meeting regularly and are committed to advancing the identified priorities immediately. The Strategic Transformation Office, in partnership with Area CAOs, will commence work on laying out the workplans for various initiatives and resourcing required for each. Recent AMO delegations have secured follow up with the Ministry of Red Tape Reduction, who were not only interested in Niagara's efforts to pursue further shared services to support provincial objectives but were also keen to understand Niagara's specific efforts to advance these in a meaningful way. Additionally, with the provincial government initiating its governance structure and service delivery review via legislative committee, the timing of efforts to continue with additional shared services initiatives could not be more appropriate or relevant.

Alternatives Reviewed

Regional Council has identified a more Effective Region as a core Strategic Priority, including specific deliverables related to identifying, advancing and implementing shared services. Creating dedicated resources via the Strategic Transformation Office to support the Area CAOs who have identified numerous areas of focus for the path ahead on exploring more shared service opportunities, will allow for measured success in meeting shared Niagara and provincial objectives for more effective government and increasing housing supply.

As an alternative, other priorities could certainly be identified for exploration; however, having buy-in from Niagara's CAOs on the focused priority projects allows for a coordinated, engaged and collaborative path forward wherein each can bring information to their respective Councils as needed or as appropriate, assign senior staff or subject matter experts to support the work, or to positively lead the contributions on behalf of their municipality. The list of identified priorities is long, and the CAO Working Group has attempted to narrow that for results. It is not a static list, nor will it be exhaustive. As projects are initiated and explored, new and emerging ones will take their places as the Area CAOs continue to work through these opportunities and seek ways to meet their common objectives.

Relationship to Council Strategic Priorities

The proposed shared services work is directly related to Council's Strategic Priority of an Effective Region and advances Objective 1.1 "Implement continuous improvement and modernized processes to ensure value-for-money in regional services and programs"; and Objective 1.2 "Explore and implement opportunities to improve service delivery outcomes through shared services".

The continued pursuit of shared service opportunities to transform service delivery also advances the Guiding Principles of fiscal responsibility; innovation; sustainability; partnerships; and transparency and accountability.

Other Pertinent Reports

PDS 10-2023	Strategic Transformation Office – Overview and Priorities
CAO 2-2023	Update on Shared Services Initiatives
CAO 2-2021	Update on Shared Services Initiatives by the CAO Working Group

Prepared by:

Matt Robinson
Director, Strategic Transformation Office
Growth, Strategy and Economic
Development

Recommended by:

Michelle Sergi, MCIP, RPP
Commissioner
Growth, Strategy and Economic
Development

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in extensive partnership with and reviewed by the Area CAO Shared Services Working Group comprising all 13 CAOs; Dan Carnegie – Acting Commissioner, Public Works; Todd Harrison – Commissioner, Corporate Services and Treasurer; Frank Tassone – Director, Transportation Services; Donna Gibbs – Director, Legal and Court Services; and Helen Furtado – Director, Financial Management and Planning and Deputy Treasurer; with additional contributions from Ann-Marie Norio – Regional Clerk; Stuart Hendrie – Chief Information Officer; and Cheryl Selig – Strategic Initiatives Manager, Strategic Transformation Office.

Appendices

Appendix 1	Shared Services Opportunities
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Shared Services Opportunities

Fire Services	Legal Services	Accessibility Compliance
Financial Systems	Joint Procurement	Integrity Commissioner
Coordinated Building Services	Financial Management Software	Animal Control
Merged Library Services	Joint Insurance	Asset Management Communities of Practice
Single Tier Water/Wastewater	Fire Administration	Municipal E-Voting
Drainage Inspection	Climate Change Policy	Public Works Yards
Emergency Management Officer	Cemeteries	Internal Audit
Roads Service Delivery and Maintenance	Infrastructure Servicing	Cybersecurity policy
Corporate and Public Communications	Livestream services	Diversity, Equity and Inclusion
Crime Prevention Through Environmental Design	Facilities Management	Physician Recruitment
HR Policy Alignment - Process	Policy Fundamentals (i.e., Health and Safety)	

MEMORANDUM

NTC-C 5-2023

Subject: Niagara Region Transit (NRT) OnDemand Service Statistics

Date: October 24, 2023

To: Niagara Transit Commission Board

From: Carla Stout, General Manager

The purpose of this memorandum is to provide the Commission Board with performance statistics for the NRT OnDemand service for the period of January 1 to August 31, 2023.

Inter and/or Intra-municipal NRT OnDemand services are currently contracted to a single provider (Via) in and to the communities and Councils of the Towns of Grimsby, Lincoln, Niagara-on-the-Lake (NOTL), Pelham, Port Colborne, Wainfleet and West Lincoln. The NRT OnDemand pilot project and contract conclude on December 31, 2023.

Various structures of payment for either their own delivered hours of service (NOTL) and/or a portion of the initial Regionally subsidized pilot project (Grimsby, Lincoln, Pelham, and Port Colborne) were allocated by service hour + assessment costing in the 2023 Budget to each community as appropriate. The Towns of Wainfleet, and West Lincoln procure only intermunicipal cross-boundary trips through this NTC contracted service and their allocations reflect this in their costing being only assessment based. Actual unsubsidized costs by service hour portion will be reflected by municipality with an adjusted overall assessment to be forwarded in the 2024 budget process through the Transit Special Levy. The Board will receive the results of a public RFP in November this year which will award the provision of this level of service past January 1, 2024.

Of note in the attached service metrics is recovery in ridership as well as a continued demand and growth of the OnDemand services across Niagara. Communities like Lincoln and Port Colborne show strong use of the service and Grimsby provided double the trips of their next closest comparator. Overall customer satisfaction is extremely high for the riders surveyed both after booking or completing a trip. Mobile booking their OnDemand trips is still the preferred method by our riders to access this service.

Further to the Board's review, this information will be forwarded to all participating municipalities' Clerk and Council for their general information and review.

Respectfully submitted and signed by

Carla Stout, DPA
General Manager

Appendix 1 NRT OnDemand Statistics

Overall NRT OnDemand Service Metrics - 2023

Data as of:
August 31, 2023:

Number of Rides

84,303

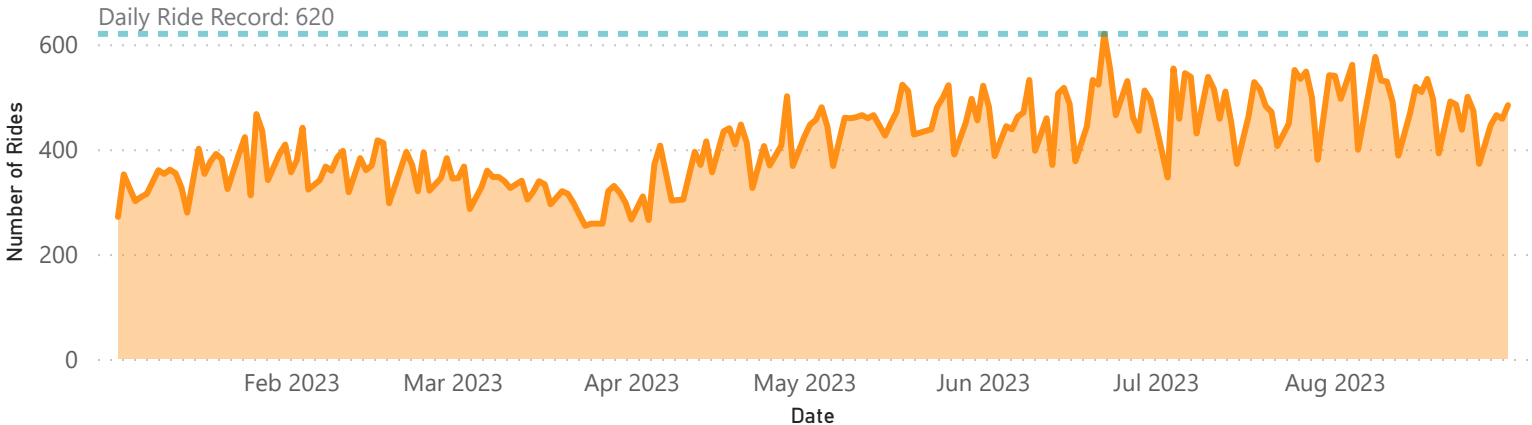
Number of Trips

75,432

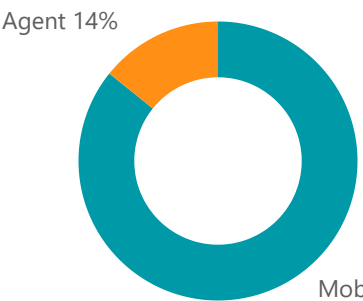
WAV Trips

659

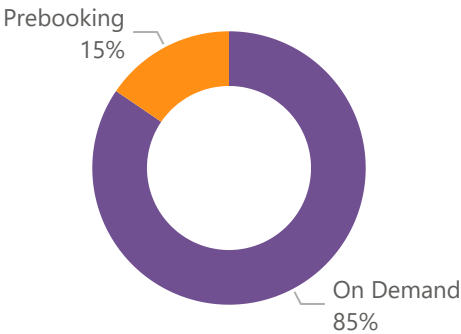
Daily Ridership



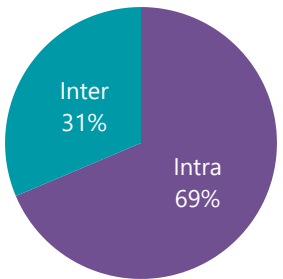
Booking Method



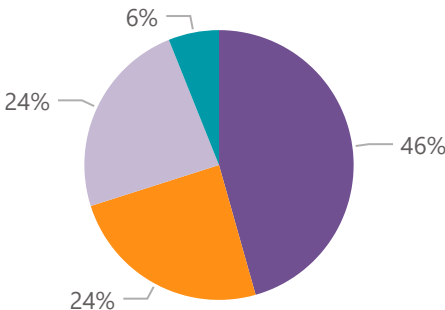
Booking Type



Inter vs. Intra-Municipal Rides



Intra-Municipal Rides



Destination	Fort Erie Transfer Point	Grimsby	Lincoln	Pelham	Port Colborne	Seaway Mall	St Catharines Transfer Point	Wainfleet	Welland Transfer Point	West Lincoln	Total
Origin											
Fort Erie Transfer Point					241						241
Grimsby		16,103	4,104	194	186	26	913	37	104	2,181	23,848
Lincoln		3,564	6,345	108	136	84	1,243	64	148	741	12,433
Pelham		194	129	1,419	130	209	552	75	136	131	2,975
Port Colborne	309	188	135	124	11,135	1	1	568	1	74	12,536
Seaway Mall		56	47	181				60		65	409
St Catharines Transfer Point		547	924	391	3			44		159	2,068
Wainfleet		36	51	82	518	55	35	1	57	16	851
Welland Transfer Point		175	113	139				49		108	584
West Lincoln		1,813	757	129	80	64	270	15	114	2	3,244
Total	309	22,676	12,605	2,767	12,429	439	3,014	913	560	3,477	59,189

Overall NRT OnDemand Service Metrics - 2023

Data as of:
August 31, 2023

INTER On-Demand Trip
Average Wait Time (min)

34.03

INTRA On-Demand Trip
Average Wait Time (min)

21.49

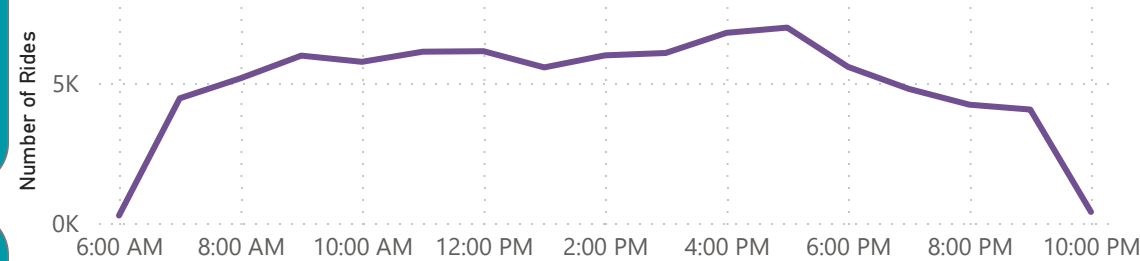
Average Trip Duration (min)

17.24

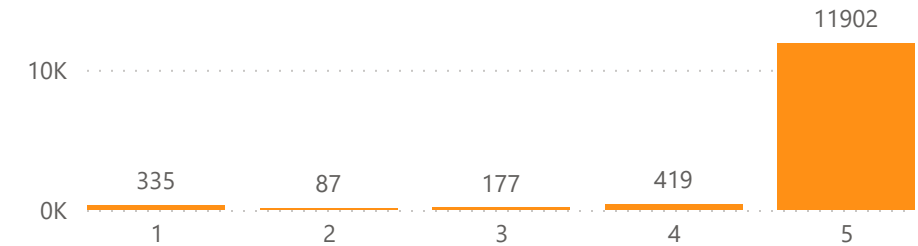
Average Trip Distance (km)

13.30

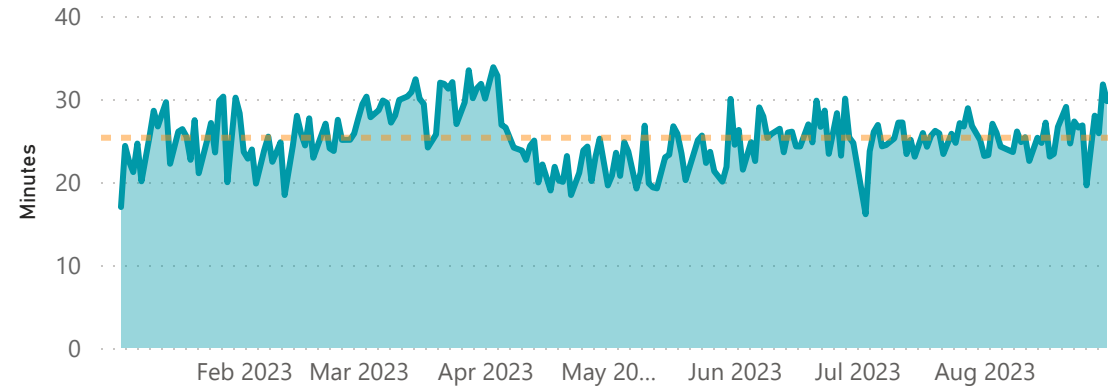
Peak Hours



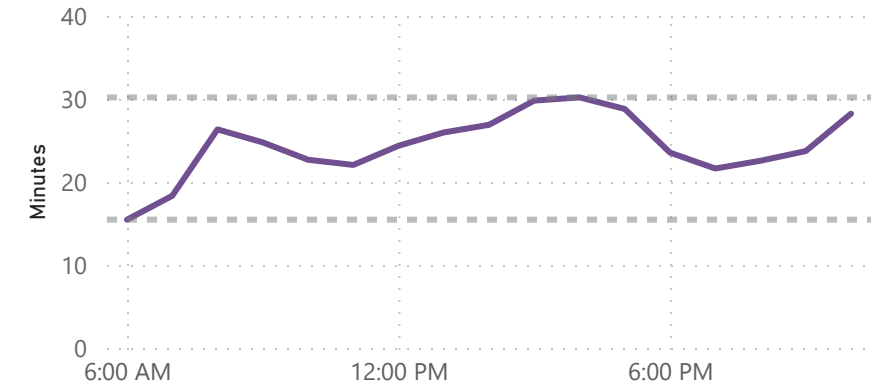
Trip Rating



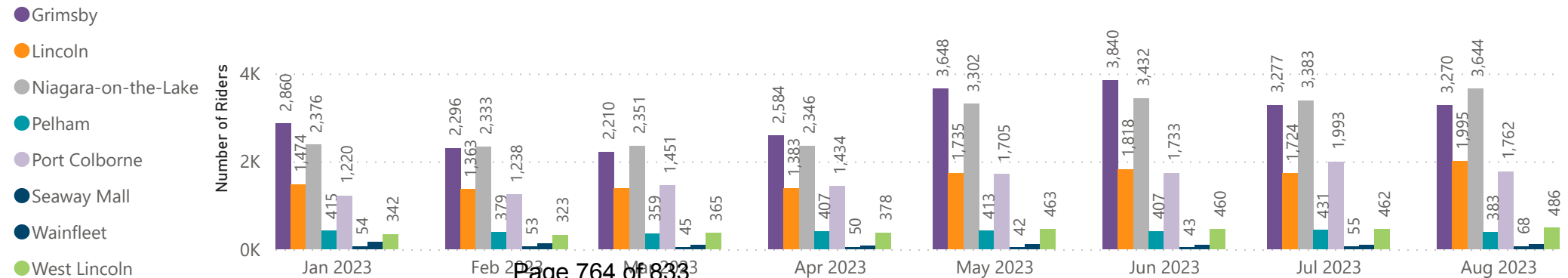
Average Daily Wait Time



Average Wait Time by Time of Day



Monthly Ridership By Ride Origin



Overall NRT OnDemand Service Metrics - 2023

Grimsby
Origin and/or Destination Municipality

Data as of:
August 31, 2023

Number of Rides

30,725

Number of Trips

27,604

WAV Trips

133

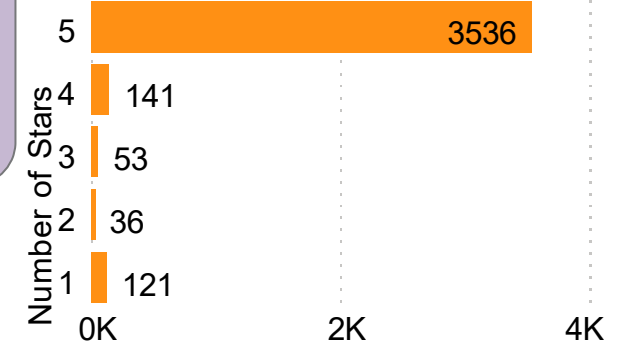
INTER On-Demand
Trip Average Wait
Time (min)

33.24

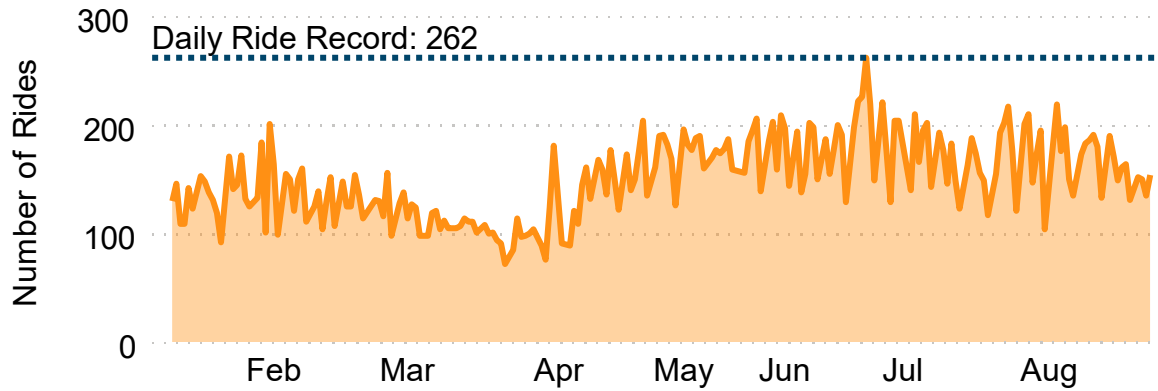
INTRA On-Demand
Trip Average Wait
Time (min)

24.42

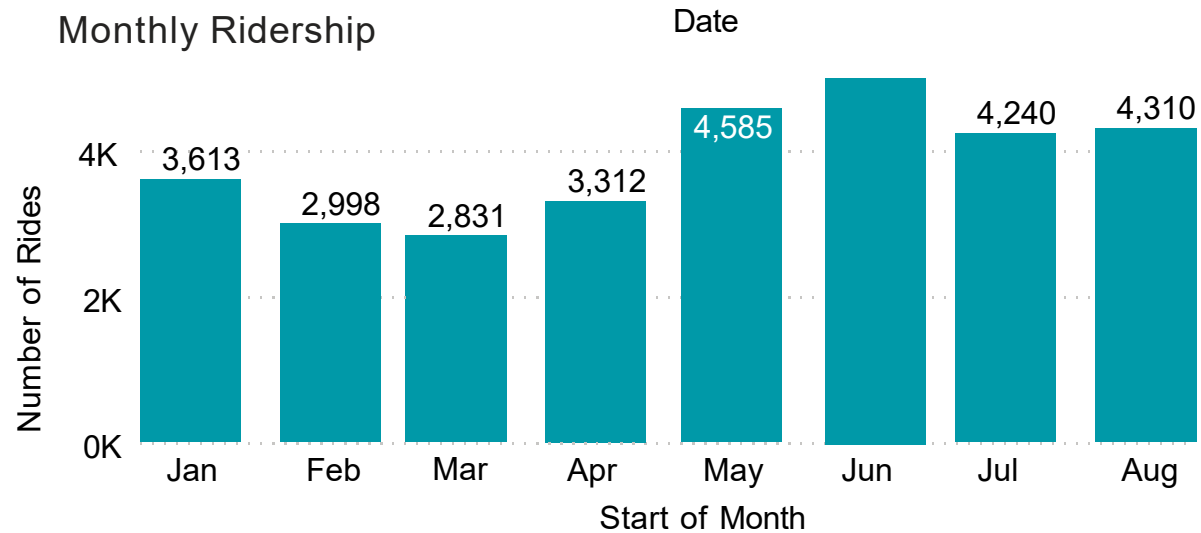
Trip Rating



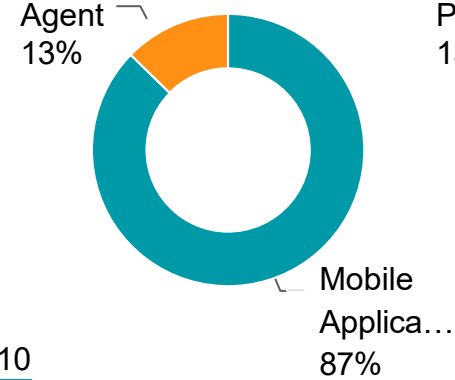
Daily Ridership



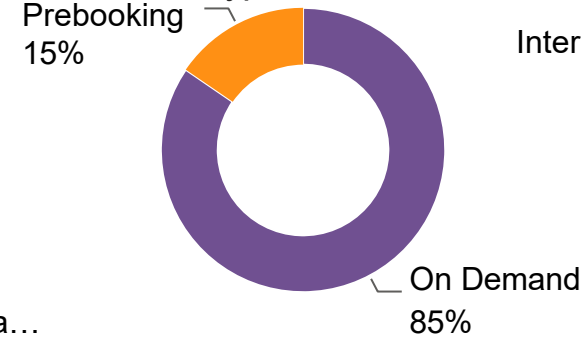
Monthly Ridership



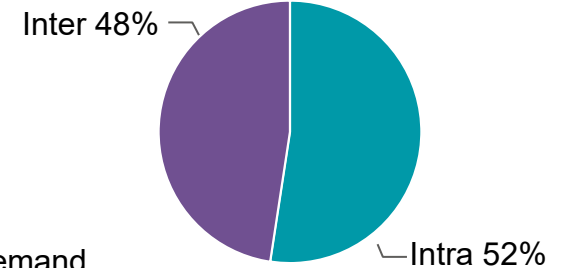
Booking Method



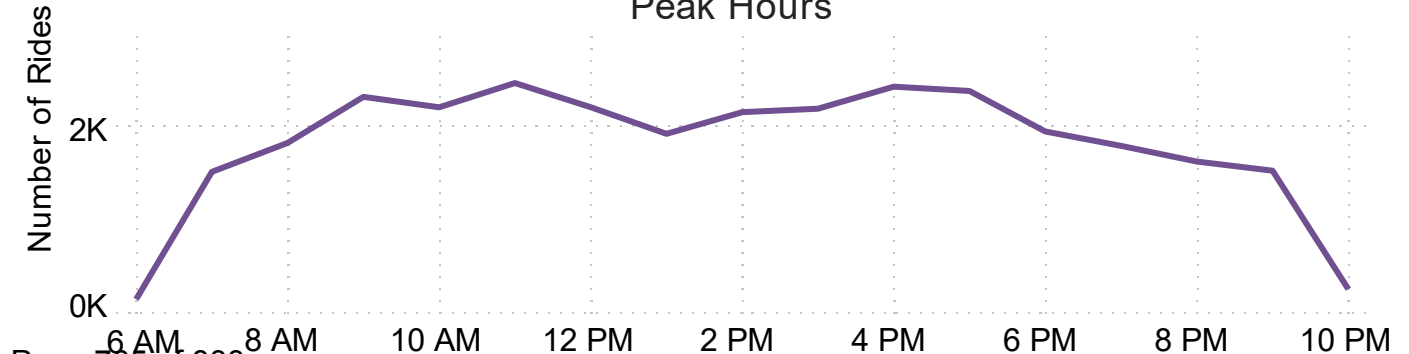
Booking Type



Inter vs. Intra-Municipal Rides



Peak Hours



Overall NRT OnDemand Service Metrics - 2023

Lincoln
Origin and/or Destination Municipality

Data as of
August 31, 2023

Number of Rides

19,588

Number of Trips

17,389

WAV Trips

144

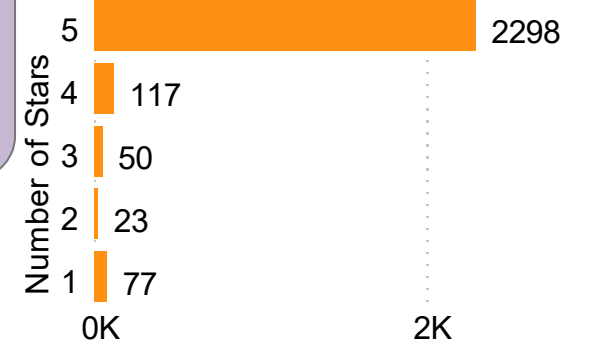
INTER On-Demand
Trip Average Wait
Time (min)

33.58

INTRA On-Demand
Trip Average Wait
Time (min)

30.52

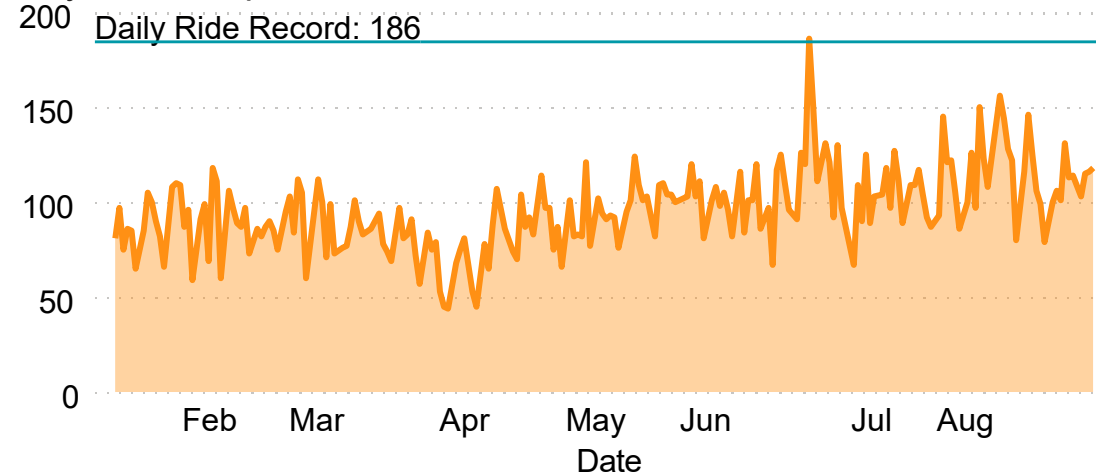
Trip Rating



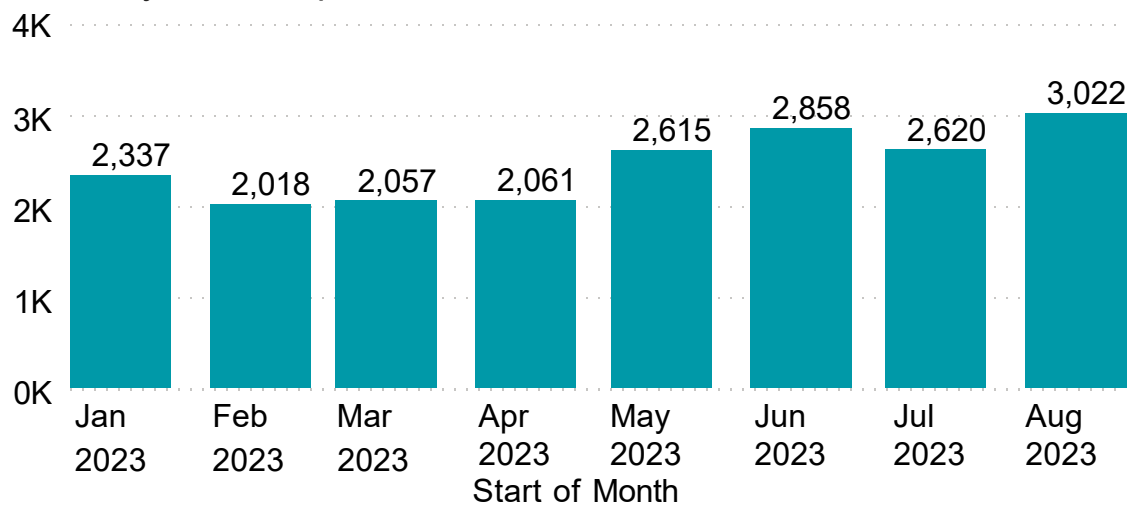
Daily Ridership

Daily Ride Record: 186

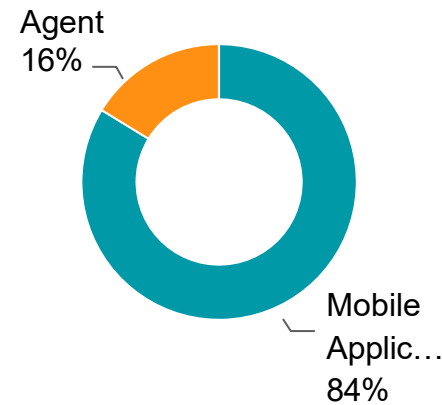
Number of Rides



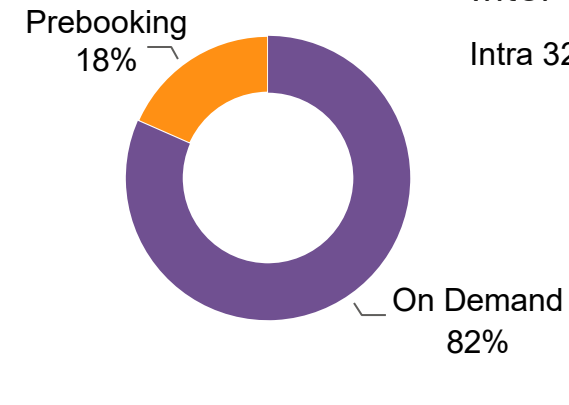
Monthly Ridership



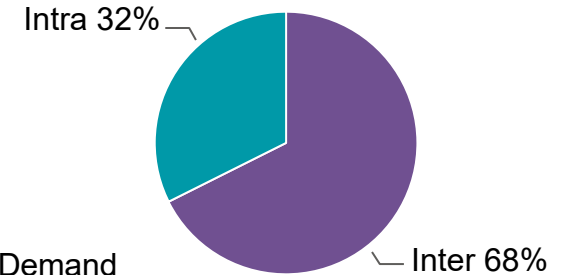
Booking Method



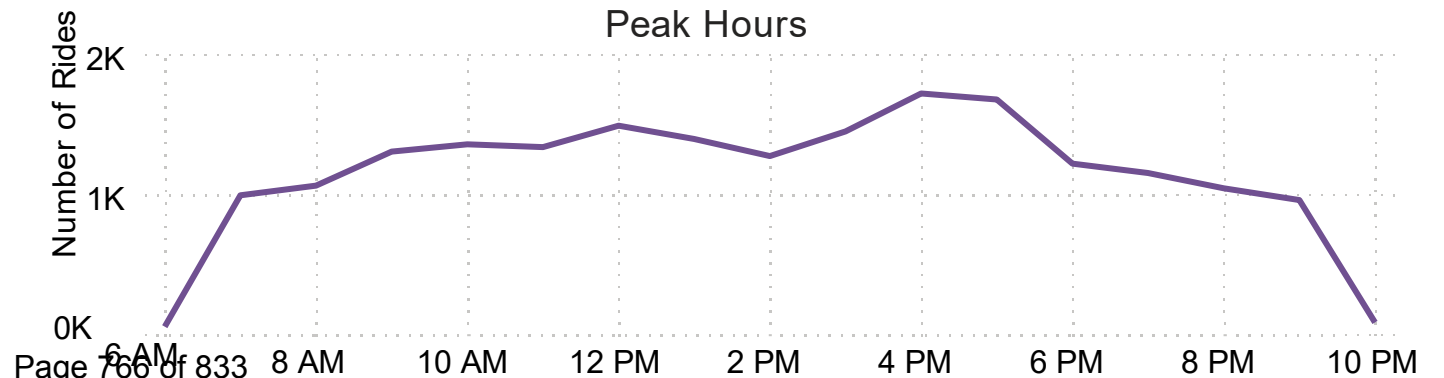
Booking Type



Inter vs. Intra-Municipal Rides



Peak Hours



Overall NRT OnDemand Service Metrics - 2023

Niagara-on-the-Lake
Origin and/or Destination Municipality

Data as of:
August 31, 2023

Number of Rides

23,371

Number of Trips

21,462

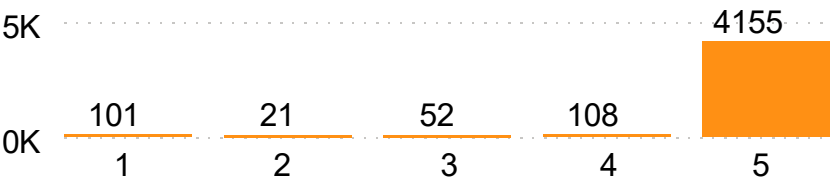
WAV Trips

262

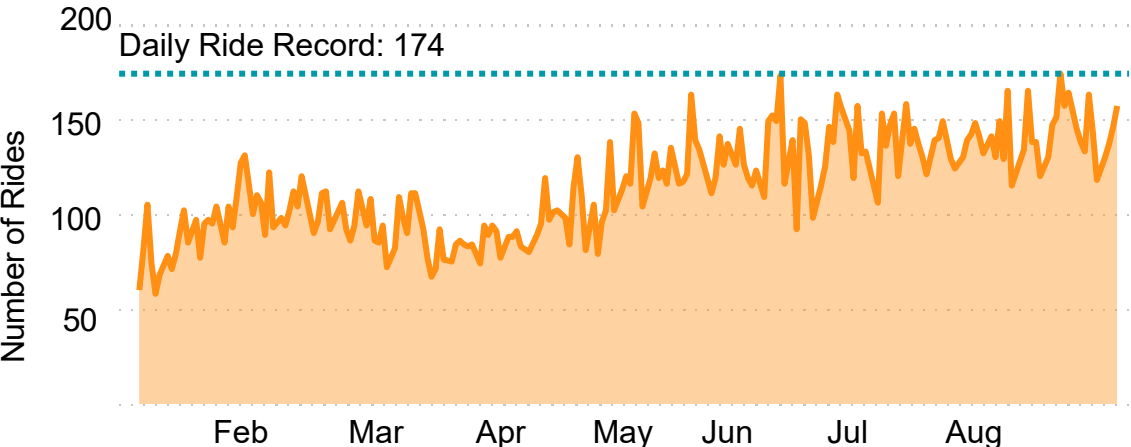
INTRA On-Demand
Trip Average Wait
Time (min)

20.92

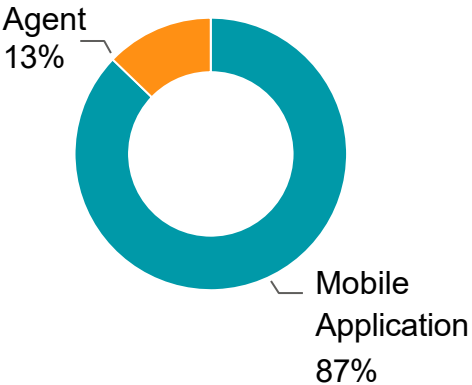
Trip Rating



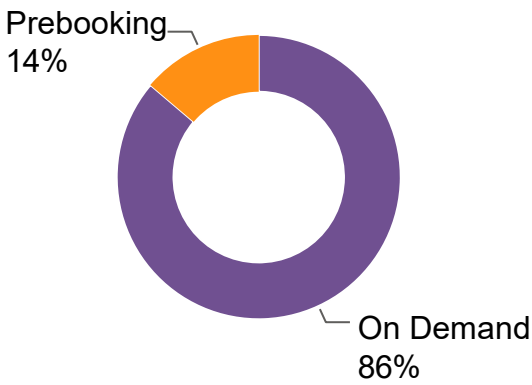
Daily Ridership



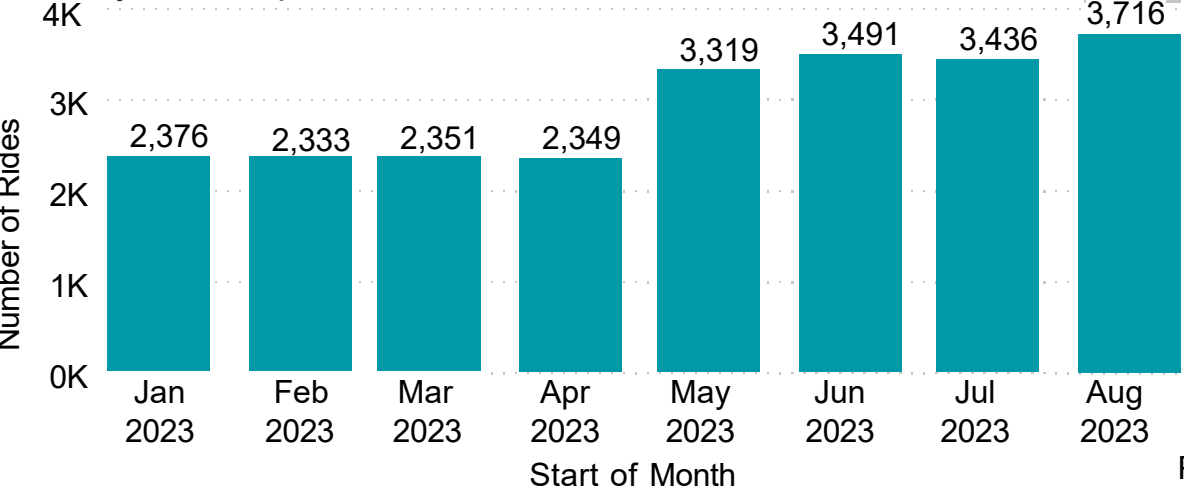
Booking Method



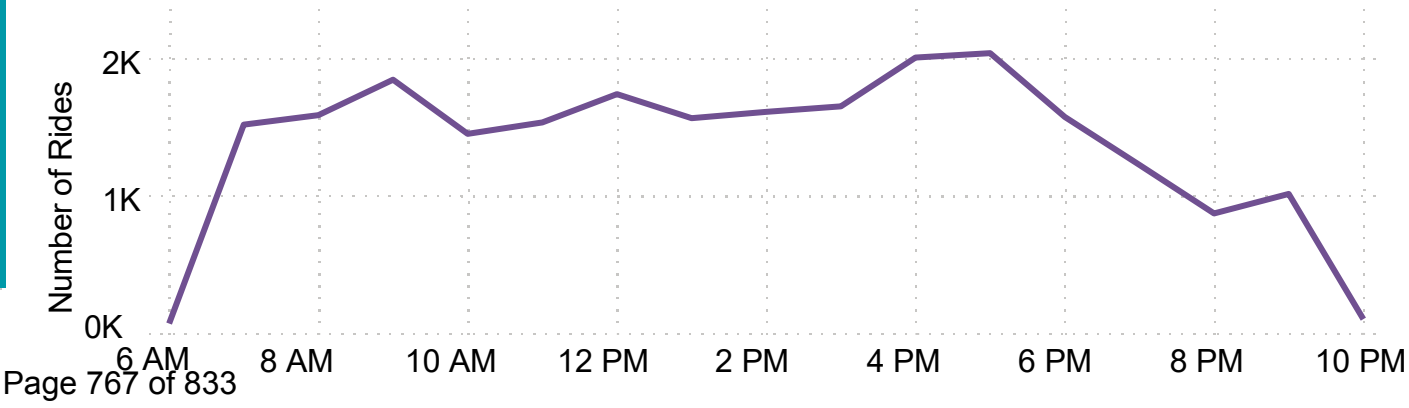
Booking Type



Monthly Ridership



Peak Hours



Overall NRT OnDemand Service Metrics - 2023

Pelham

Origin and/or Destination Municipality

Data as of:

August 31, 2023

Number of Rides

4,721

Number of Trips

4,338

WAV Trips

36

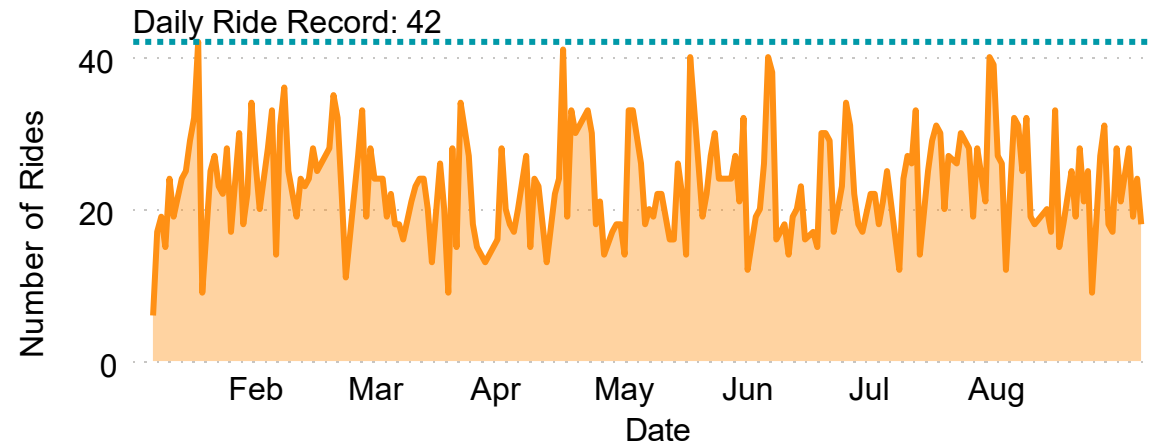
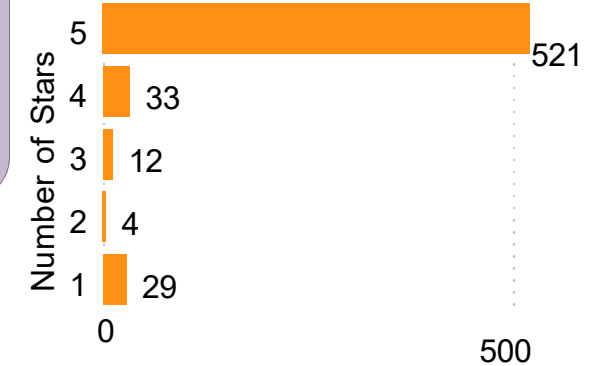
INTER On-Demand
Trip Average Wait
Time (min)

36.43

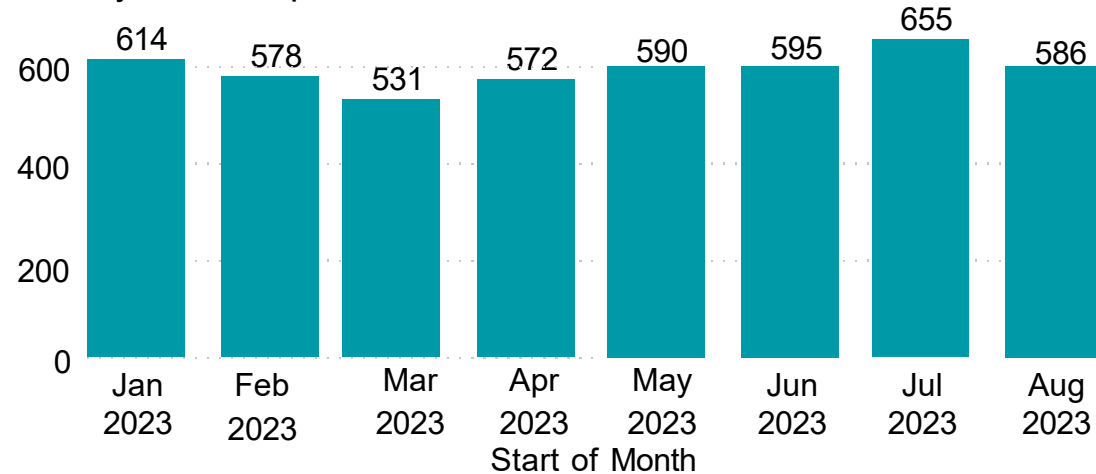
INTRA On-Demand
Trip Average Wait
Time (min)

33.78

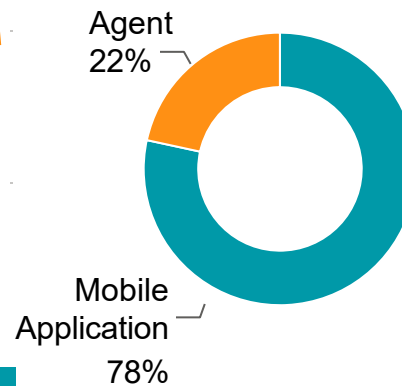
Trip Rating



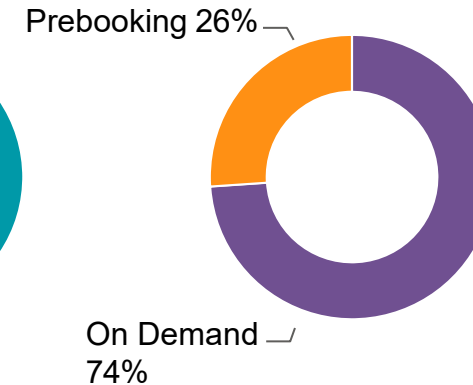
Monthly Ridership



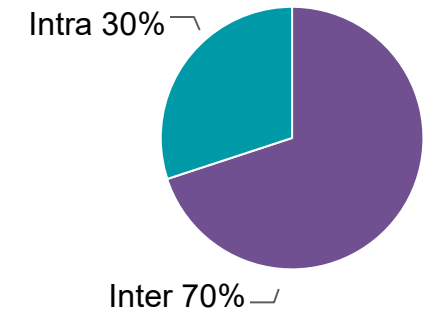
Booking Method



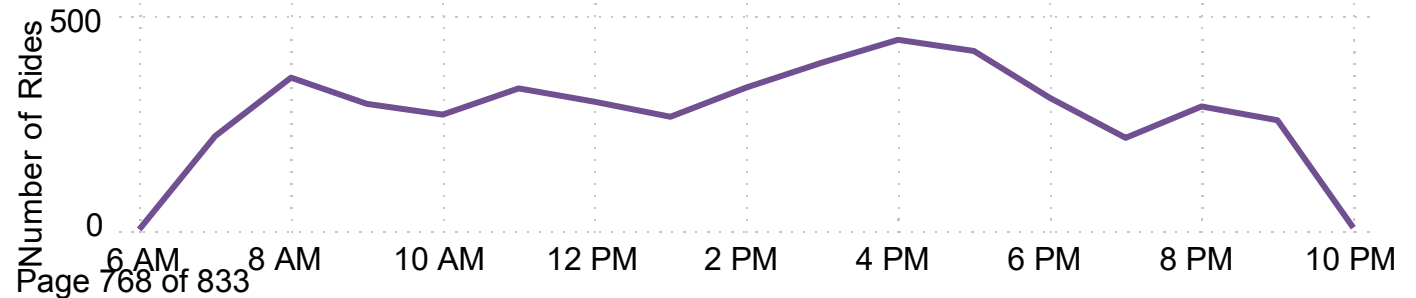
Booking Type



Inter vs. Intra-Municipal Rides



Peak Hours



Overall NRT OnDemand Service Metrics - 2023

Port Colborne
Origin and/or Destination Municipality

Data as of:
August 31, 2023

Number of Rides

13,832

Number of Trips

11,609

WAV Trips

102

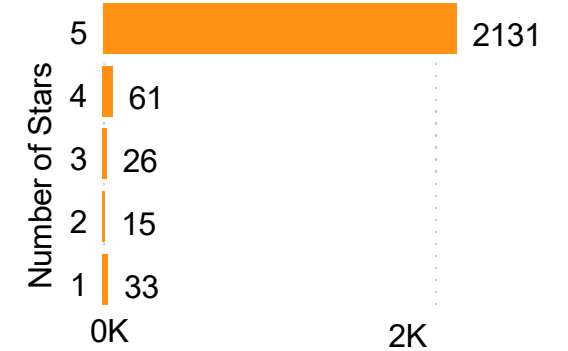
INTER On-Demand
Trip Average Wait
Time (min)

33.27

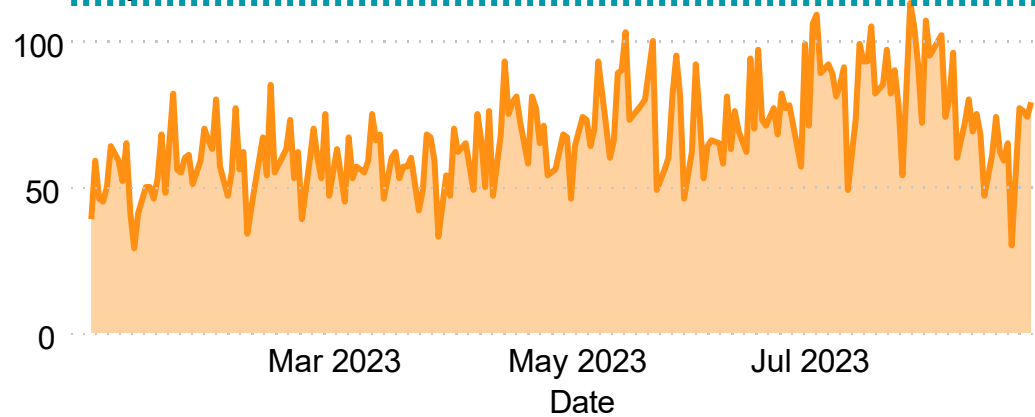
INTRA On-Demand
Trip Average Wait
Time (min)

12.81

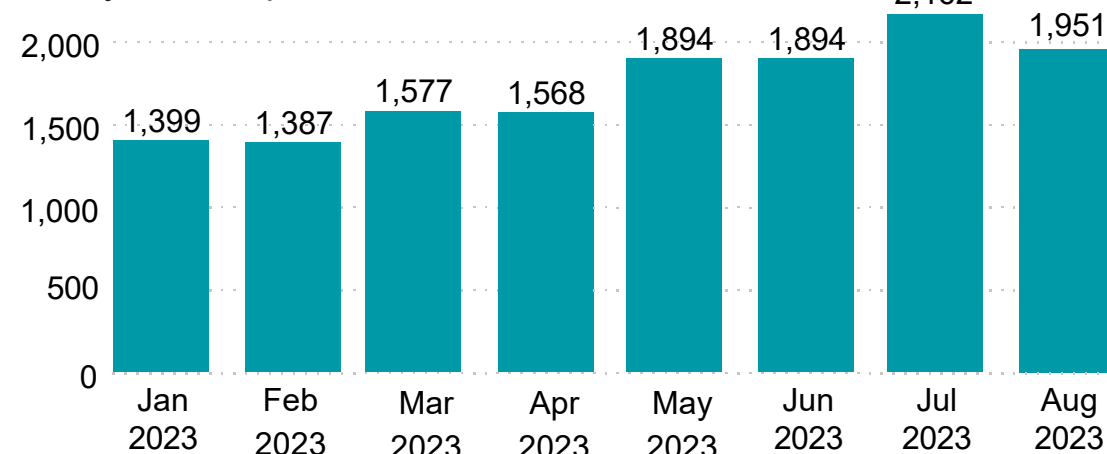
Trip Rating



Daily Ride Record: 113

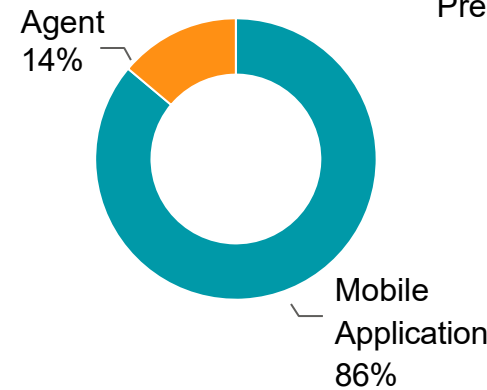


Monthly Ridership

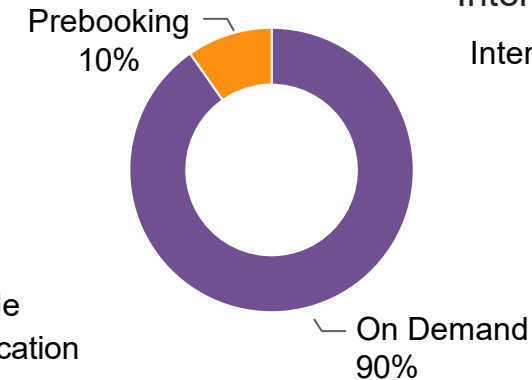


Start of Month

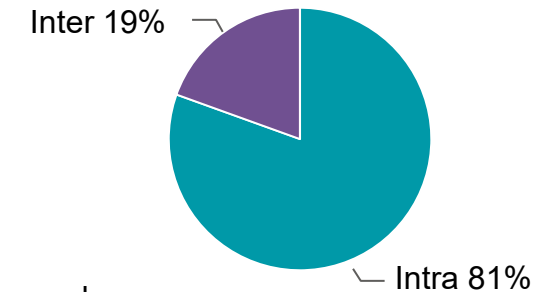
Booking Method



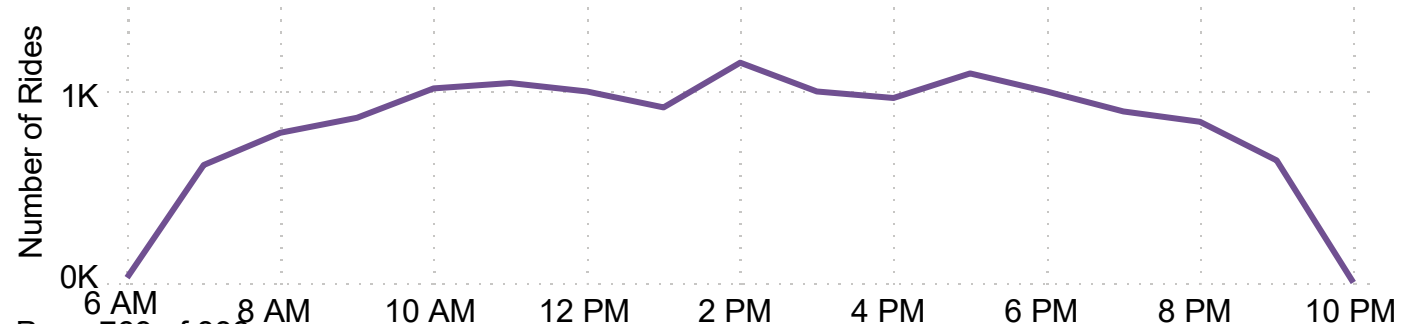
Booking Type



Inter vs. Intra-Municipal Rides



Peak Hours



Overall NRT OnDemand Service Metrics - 2023

Wainfleet
Origin and/or Destination Municipality

Data as of:
August 31, 2023

Number of Rides

1,842

Number of Trips

1,598

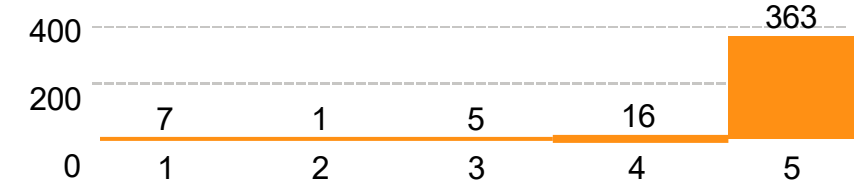
WAV Trips

51

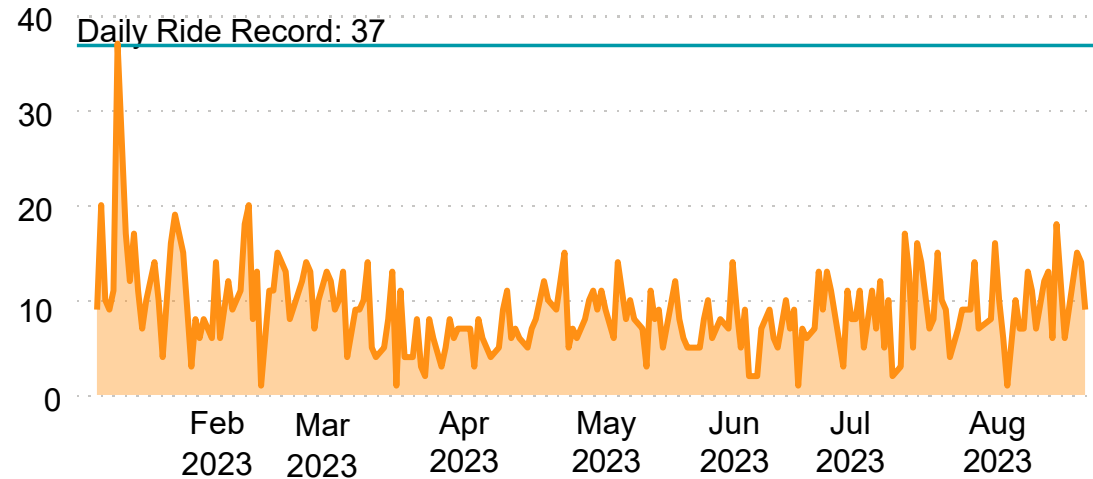
INTER On-Demand
Trip Average Wait
Time (min)

37.08

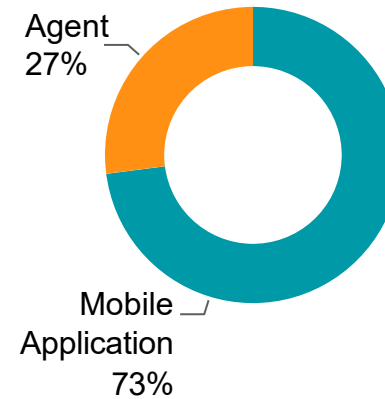
Trip Rating



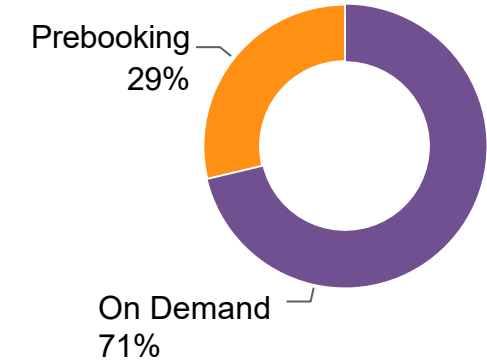
Daily Ridership



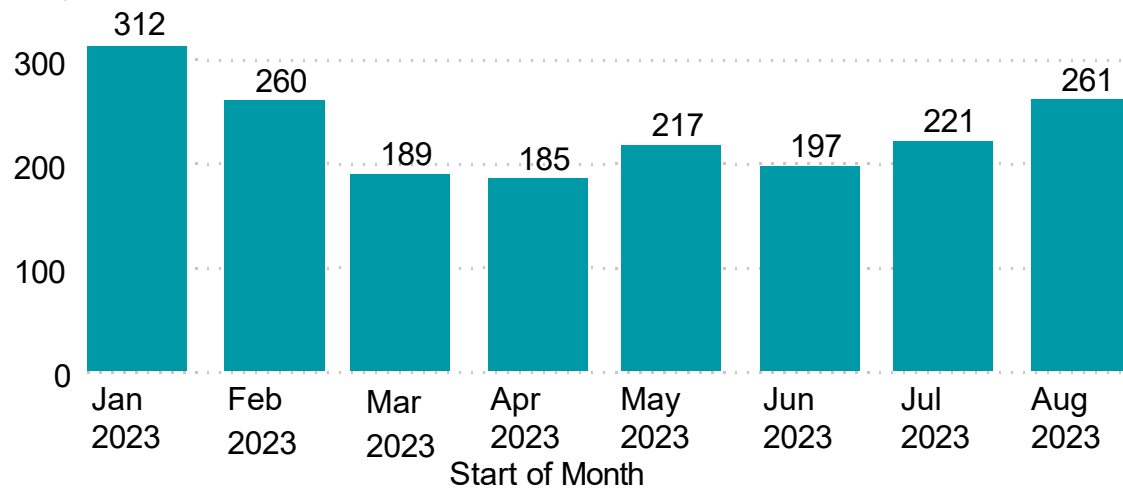
Booking Method



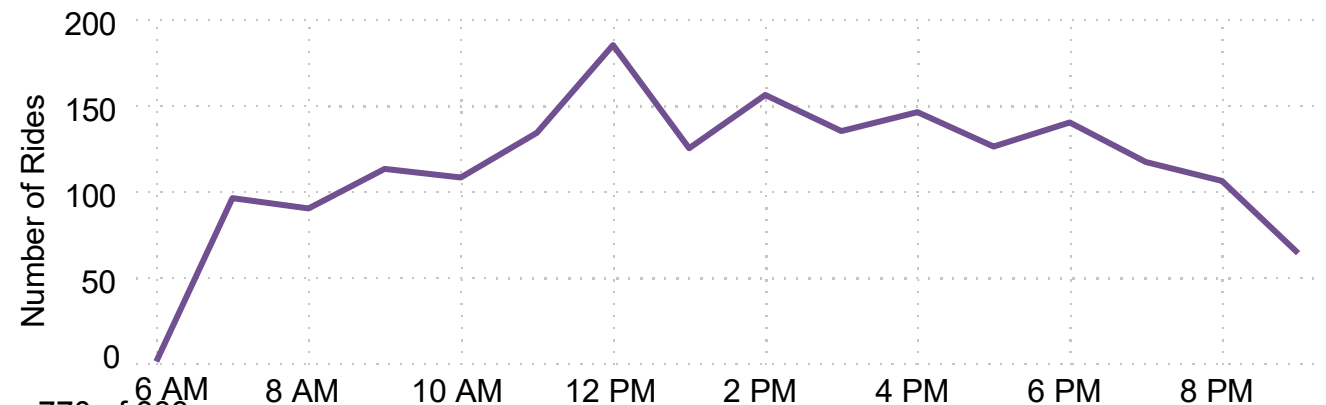
Booking Type



Monthly Ridership



Peak Hours



Overall NRT OnDemand Service Metrics - 2023

West Lincoln
Origin and/or Destination Municipality

Data as of:
August 31, 2023

Number of Rides

6,780

Number of Trips

6,190

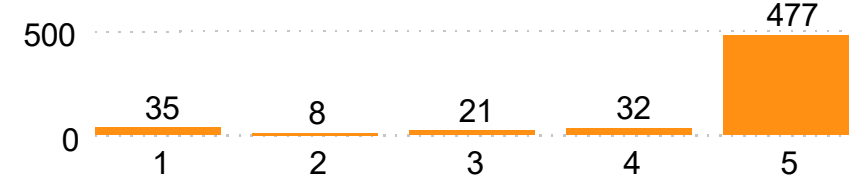
WAV Trips

32

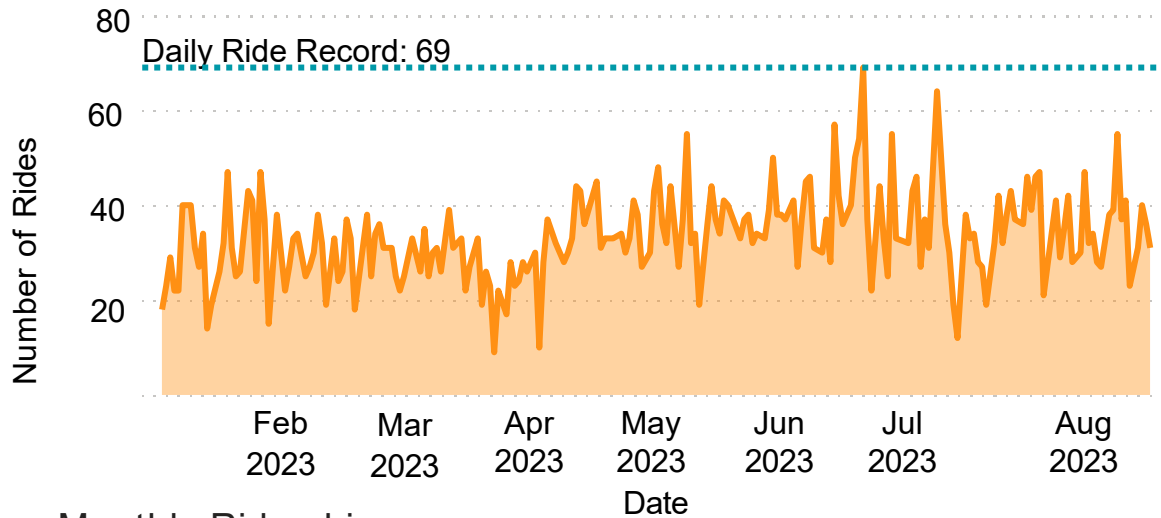
INTER On-Demand
Trip Average Wait
Time (min)

35.50

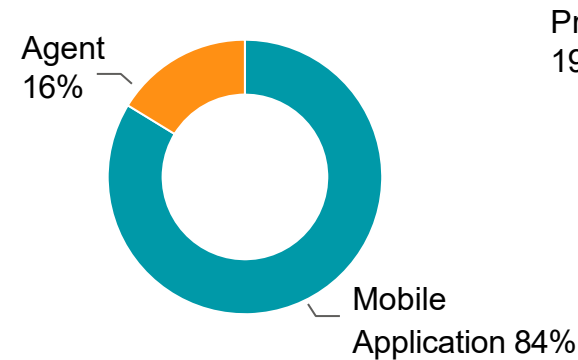
Trip Rating



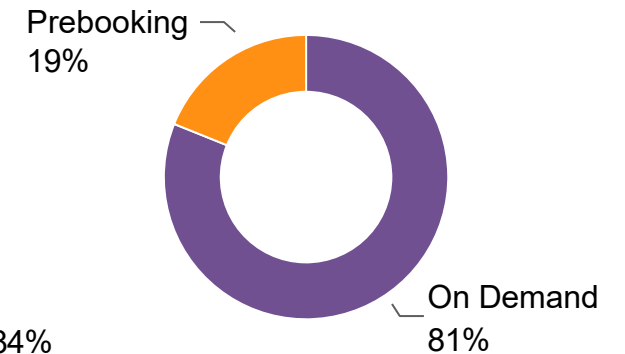
Daily Ridership



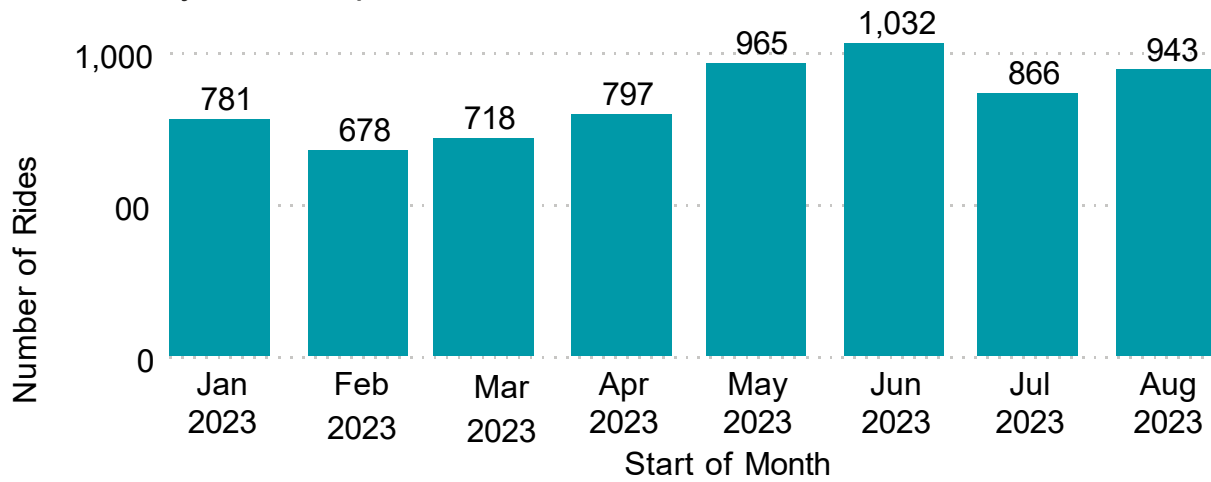
Booking Method



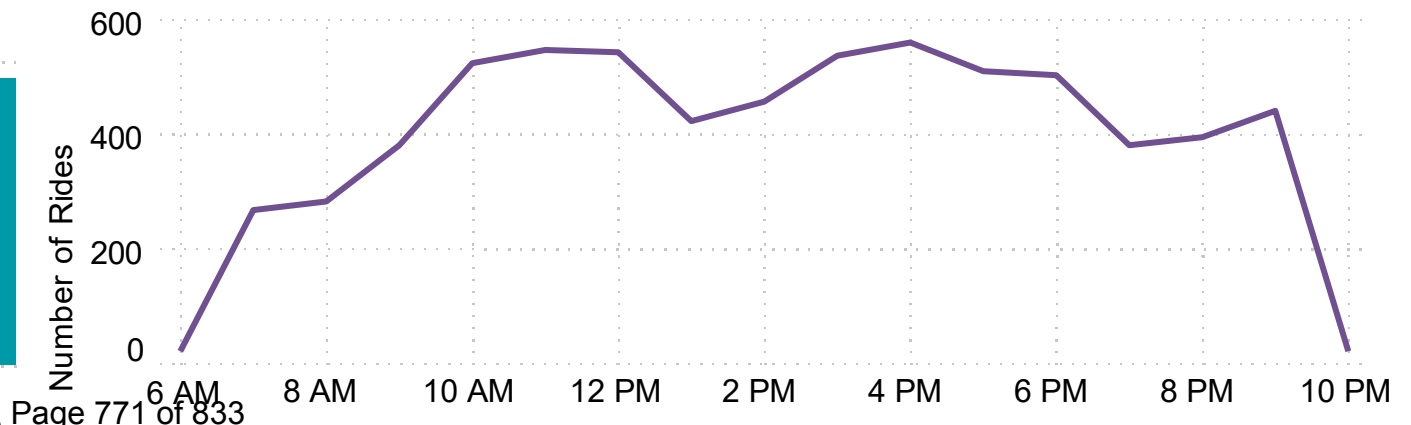
Booking Type



Monthly Ridership



Peak Hours



October 30, 2023

LOCAL AREA CLERKS

SENT ELECTRONICALLY

RE: 2024 Proposed Operating and Capital Budget Submission and Requisition - Niagara Transit Commission

Please be advised that its meeting of October 24, 2023, the Niagara Transit Commission passed the following motion:

That Report NTC 17-2023, dated October 24, 2023, respecting 2024 Proposed Operating & Capital Budget Submission and Requisition – Niagara Transit Commission, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Niagara Transit Commission (NTC) Board **APPROVE** the proposed 2024 gross operating budget submission of \$83,234,433 and net base Special Levy of \$59,348,376 for a net increase of \$4,295,426 or 7.8%;
2. That the net Special Levy of \$59,348,376 **BE APPORTIONED** between the local municipalities as per Appendix 2 of Report NTC 17-2023, determined in accordance with the methodology approved in PW 55-2021 and based on final 2023 current value assessment;
3. That the NTC Board **APPROVE** the addition of 10.11 permanent Full-time Equivalents (FTE) as per Appendix 4 of Report NTC 17-2023, totaling \$953,609 gross included in the Special Levy;
4. That the NTC Board **APPROVE** the proposed NTC 2024 gross capital budget of \$23,018,750 as presented in Table 4 of Report NTC 17-2023;
5. That financing in the amount of \$5,507,900 gross and \$1,650,000 net of the 2024 capital budget **BE INITIATED** upon approval of the 2024 Capital Budget and **BE ALLOCATED** to the projects as summarized in Table 4 of Report NTC 17-2023;

6. That financing in the amount of \$17,510,850 gross and \$445,276 net of the 2024 capital budget **BE INITIATED** and **BE ALLOCATED** to the projects upon approval confirmation of Investing in Canada Infrastructure Program (ICIP) funding as summarized in Table 4 of Report NTC 17-2023;

7. That this report **BE FORWARDED** to the Budget Review Committee of the Whole (BRCOTW) meeting on November 9, 2023, for approval and subsequent calculation of the Special Levy tax rates for each municipality following Regional Council tax policy decisions; and

8. That a copy of this Report **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report NTC 17-2023 is attached for your reference.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ann-Marie' followed by a stylized flourish.

Ann-Marie Norio
Regional Clerk

Subject: 2024 Proposed Operating & Capital Budget Submission and Requisition –
Niagara Transit Commission

Report to: Niagara Transit Commission Board

Report date: **Tuesday, October 24, 2023**

Recommendations

1. That the Niagara Transit Commission (NTC) Board **APPROVE** the proposed 2024 gross operating budget submission of \$83,234,433 and net base Special Levy of \$59,348,376 for a net increase of \$4,295,426 or 7.8%.
2. That the net Special Levy of \$59,348,376 **BE APPORTIONED** between the local municipalities as per Appendix 2 determined in accordance with the methodology approved in PW 55-2021 and based on final 2023 current value assessment.
3. That the NTC Board **APPROVE** the addition of 10.11 permanent Full-time Equivalents (FTE) as per Appendix 4 totaling \$953,609 gross included in the Special Levy.
4. That the NTC Board **APPROVE** the proposed NTC 2024 gross capital budget of \$23,018,750 as presented in Table 4.
5. That financing in the amount of \$5,507,900 gross and \$1,650,000 net of the 2024 capital budget **BE INITIATED** upon approval of the 2024 Capital Budget and **BE ALLOCATED** to the projects as summarized in Table 4 of this report.
6. That financing in the amount of \$17,510,850 gross and \$445,276 net of the 2024 capital budget **BE INITIATED** and **BE ALLOCATED** to the projects upon approval confirmation of Investing in Canada Infrastructure Program (ICIP) funding as summarized in Table 4 of this report.
7. That this report **BE REFERRED** to the Budget Review Committee of the Whole (BRCOTW) meeting on November 9, 2023, for approval and subsequent calculation of the Special Levy tax rates for each municipality following Regional Council tax policy decisions.

8. That a copy of this Report **BE CIRCULATED** to the Local Area Municipalities.

Key Facts

- The purpose of this report is to seek approval for the proposed 2024 Operating and Capital Budgets for NTC.
- At Niagara Region's BRCOTW meeting on July 27, 2023, the budget planning strategy presented for 2024 included a focus on aligning with the Budget Planning By-law's principles and priorities of sustainability and affordability. The strategy used was to maintain delivery of base services in light of considerable inflationary pressures, support the capital funding gap and address the operating budget in 2022 that was funded with reserves.
- As the NTC has only been operational since January 1, 2023, the 2024 budget is based on June year-to-date actuals pro-rated annually, a current understanding of key contracts and inflationary increases.
- The budget increase is driven by increases in fuel costs, inflationary pressures for repairs and maintenance costs, snow removal contracts and labour negotiations and incremental staff as per recommendations. Cost pressures have been partially offset by increased fare revenues resulting from new UPASS contracts.
- The Capital budget being proposed includes 8 new projects which are fully funded through ICIP, Provincial Gas Tax (PGT), Development Charges (DC's) and transfer from capital reserves. Two of these projects were initiated and will be managed by Niagara Region Facility staff.
- The NTC budget will be presented to Regional Council on November 9, 2023, for consideration and approval in accordance with the Council approved timetable and Article 7.3 of the Municipal Service By-law (MSB).

Financial Considerations

The 2024 NTC operating budget includes a base increase of 7.8% or \$4,295,426 to maintain current service standards, including base program changes for labour related costs in order to true up actual full-time equivalent staff that were transferred from the local area municipalities to the 2023 budgeted number of FTE's. No additional service levels were considered in the 2024 budget in order to stabilize the budget and staff.

The 2024 proposed operating budget is provided in Table 1 below, with further details by object of expenditure and comparison to 2023 included in Appendix 1.

Table 1: Proposed NTC 2024 Operating Budget (in thousands)

Item	2023	2024	\$ Change	% Change
Gross Expenditure	\$75,896	\$83,234	\$7,339	9.7%
Gross Revenue (excluding taxation)	(20,843)	(23,886)	(3,043)	14.6%
Net Base Budget after Indirect Allocations	\$55,053	\$59,348	\$4,295	7.8%

The capital budget has been developed consistent with the Region's risk evaluation methodology developed by the Asset Management Office (AMO). The 2024 NTC capital budget includes eight projects for a gross request of \$23,018,750 and a net request of \$2,095,276. The 2024 proposed projects are mainly externally funded (Investing in Canada Infrastructure Program (ICIP) of \$15,085,910; Provincial Gas Tax of \$5,352,130 and Development Charges of \$485,434) resulting in a net transfer from NTC capital reserves of \$2,095,276.

Analysis

The 2023 budget was based on the uploaded 2022 budgets from Local Area Municipalities and Niagara Region Transit. As a result, the 2024 budget for NTC was prepared to right size the NTC budget based on June actuals, pro-rated annually and inflationary increases.

The pressures specific to the 2024 operating budget by object of expenditure are as follows:

Labour Related Costs – Labour related costs have increased by \$3.45 million due to the following:

- Through the transition, the NTC received staff within multiple union and non-union groups. Some of these groups have not received wage increases since 2021 pending a single Collective Bargaining Agreement (CBA). The budget was developed based on the CBA Guidance previously approved by the Commission. The 2024 budget also includes an adjustment for benefits to align with actual benefit expenses being incurred. This reflects \$2.6 million or 6.6% of the overall labour related increase. A summary of FTE requests for 2024 can be found in Appendix 4.

-
- An increase of \$0.6 million relates to approximately 6.86 FTE's identified during 2023 that were not calculated or transitioned correctly through the amalgamation and the 2024 budget is correcting this error.
 - During the first year of operations there were 2.25 new FTE's identified that are needed in order to maintain service delivery and to support a safe working environment. These FTE's are being requested to be added to the permanent staff complement in 2024 at a cost of \$0.2 million.
 - A business case for a growth position is being recommended in 2024 as the position was temporary in 2023 but identified as a position that should be made permanent in 2024. The position is half funded through a transfer from encumbrance reserve available for 2024 as it was planned in the Region's budget for 2022 and due to late requirement is extended into 2024. The net increase is \$0.05 million.

Operational & Supply - The increase of \$0.27 million relates to On-Demand/Specialized contracts. These increases relate to inflationary increases expected on external contracts related to staffing, repairs, and maintenance, etc. in order to maintain service hours required.

Occupancy & Infrastructure – The \$0.76 million increase in budget over 2023 relates primarily to the expected snow removal contract needed for bus stops and shelters. There was limited budget uploaded from the LAM's for the 2023 snow removal at bus stops and shelters. As it is the requirement of the NTC to ensure proper snow removal at bus stops and shelters, a Request for Proposal (RFP) has been issued with estimates of approximately \$750,000 to fulfil this contract across Niagara. The 2024 budget reflects this estimate.

Equipment, Vehicles, Technology – The increase in equipment, vehicles, technology of \$2.7 million is mainly related to the gross volatility in fuel prices. The 2024 budget estimate was prepared based on current fuel usage and the Niagara Region corporate fuel price budget assumptions which highlighted estimated costs for fuel and gasoline to be used in the 2024 estimates. The increase in fuel of \$2.9 million is partially offset by an increase in fuel chargebacks of \$1.3 million that is shown in revenue. The increase is consistent with the 2023 forecast as the 2023 budget was prepared based on municipal budgets with 2022 fuel costs.

Transfer to Capital Reserves - The capital needs of the NTC are significant, which requires a balance between operational budget affordability and capital sustainability.

Included in the triple majority strategy was the strategy to build up capital reserves. The strategy included phasing in \$6.5 million of required annual transfers to capital reserve over 3 years (\$2.17 million in 2023; \$4.33 million in 2024 and \$6.5 million in 2025 and ongoing). In order to mitigate the pressures in the 2024 budget only \$2.3 million is included as the transfer to capital (an increase of only \$0.15 million instead of \$2.16 million). Of this transfer, \$2.1 million is required in order to fund the 2024 capital projects.

Allocation between departments – The \$10 thousand in 2024 relates to the audit fees allocated from the Region which were formerly part of administrative costs in 2023.

Shared Services – There is a decrease in shared service related costs in 2024 of \$87 thousand. This is due to the reduction to the legal claim budget of \$292 thousand offset by an increase of \$205 thousand in labour and other costs related to the shared services provided by 12 permanent and 1 temporary FTE of the Niagara Region.

Revenues

- Contract Revenue –The City of Niagara Falls previously delivered the WEGO Visitor Transportation System (VTS) Blueline and Redline service and is now post-amalgamation contracting that service from the NTC. The City also provided a service referred to herein as “cityred” which is dedicated local public transit service hours that supplement and connect to the WEGO VTS services. Due to the City allocation of “cityred” wholly into the WEGO VTS budget for 2022 the NTC budget reflected the same treatment of including “cityred” in the WEGO contract revenue. The NTC was not aware that the municipal transit share of their budget assigned to the NTC should have been increased to include \$800,000 for “cityred”. Therefore, the NTC approved budget for Niagara Falls municipal service did not include the conventional service and was understated. As the MTA precludes the reduction of services to municipalities and the “cityred” service is considered local conventional service, the reduction in contract revenues of \$800,000 is a pressure for 2024 to be included the service hour-based allocation portion of the budget.
- WEGO Transition- The WEGO contract will end in August 2024. This will put an increased pressure of \$570,000 on costs for 2024 in order to separate and deliver service in Niagara Falls on these service lines. The pressure was mitigated through the reduction of transfer to capital reserves. The WEGO Red Line bus is the only bus providing local and visitor transportation services on Lundy’s Lane between Main Street and Garner Road. The Commission is

committed to maintaining and obligated legislatively to deliver the same level of service for the residents of the City of Niagara Falls along Lundy's Lane. The service transition will be delivered in two phases. The period of May 6, 2024, to August 12, 2024, and August 13, 2024, onward.

- Phase One will see the introduction of local routes 116 & 216 maintaining base (visitor transportation system) VTS service on the Red Line. The new route will run on 30-minute headway and the Red line will run on 30-minute headway. This is a same level of service (15 minute) as what is delivered in peak season by the WEGO VTS system in summer.
 - Phase Two will see the removal of the WEGO Red line VTS service levels on Lundy's Lane, as well as the Blue Line. With the service provided by route 116/216, the service will remain at 30-minute headway along Lundy's Lane.
- Fare Revenues – There is a \$3.36 million increase to 2024 budgeted fare revenue as a result of the two UPASS contracts executed with Niagara College and Brock University. The increase in revenues is mitigating the overall pressures noted above.
- Provincial Gas Tax (PGT) Revenue - Also included in the triple majority strategy was the strategy to reserve PGT entirely for capital for long-term asset sustainability, however as a 2023 budget mitigation strategy \$1.6 million of PGT was used in the operating budget. The 2024 budget includes the reduction of PGT by \$0.3 million down to \$0 over 5 years in order to reduce the use of PGT to fund operations thus removing an unsustainable source of funding from operating and ensuring capital needs are met.

As with any budget, the following are additional risks identified:

- Fuel prices continue to increase, which we will report through our quarterly reviews to the Board.
- Provincial legislation requirements for services to meet the Accessibility for Ontario Disability Act (AODA) are still being reviewed.
- 2024 budget does not take into consideration the phased-in service hour alignment based on the triple majority strategy to increase services by 2025 as follows:
 - Phase 1 – Standardized Operating Hours Across Niagara – a move to one set of consistent operating hours to ensure all residents in Niagara have the same level of availability of transit in their community and the ability to make consistent connections across Niagara. Proposed hours are 6 a.m. to midnight (Monday to Saturday), and 7 a.m. to 9 p.m. (Sundays and

Holidays). This would represent over 45,000 new annual service hours across Niagara to create this equity and availability in each municipality.

The budget includes labour related costs that accommodate the organization chart and corporate and administrative services supported by Regional shared services as approved in 2022. In accordance with the Budget Planning By-law the staff complement in Table 2 is provided for in the recommended NTC budget as full-time equivalents (FTE) which converts headcount based on full time hours for each position as per the Budget Planning By-law. In 2024, there are proposed increases of 10.1 FTE's (6.86 in an FTE error correction from 2023, 2.25 net new to the Maintenance department to ensure service and a 1.0 subsidized growth FTE in community communications and service support) as discussed previously. Any increases to the staff complement will be considered through the budget process in accordance with Budget Planning By-law Section 4.8. A summary of 2024 FTE requests can be found in Appendix 4.

In 2024 there is a 3.33 reduction in temporary FTE's. There is a reduction of 1 FTE in NTC due to the request to make that position permanent in 2024 as discussed above. The other 2.33 reduction in FTE's relates to positions provided in 2023 through shared services to support the transition of NTC.

Table 2: 2024 proposed NTC permanent Staff Compliment compared to 2023

Full-Time Equivalents by Division	2024 Permanent	2023 Permanent	Variance
Corporate	3.0	2.0	1.0
Fleet & Facilities	69.0	62.9	6.1
Operations	327.3	324.3	3.0
Planning & Performance	30.0	30.0	-
Total NTC FTEs	429.3	419.2	10.1
Shared Services	12.0	12.0	-
TOTAL FTE	441.3	431.2	10.1

Table 3: 2024 proposed NTC temporary Staff Compliment compared to 2023

Full-Time Equivalents by Division	2024 Temporary	2023 Temporary	Variance
Planning & Performance	1.0	2.0	(1.0)
Total NTC FTEs	1.0	2.0	(1.0)
Shared Services	1.0	3.3	(2.3)
TOTAL FTE	2.0	5.3	(3.3)

Capital Budget:

The Capital budget proposed for 2024 includes 6 projects managed by NTC and 2 managed by Niagara Region Facilities. These projects are fully funded through ICIP, PGT, DC's and transfer from capital reserves. The following is a summary of the proposed 2024 capital budget and corresponding funding. A summary of the 2024 Capital budget and 9-year forecast can be found in Appendix 5.

Table 4: 2024 Capital Budget Summary (in thousands)

Operating Expenditure	Gross 2024	ICIP Funding	PGT Funding	DC Funding	Capital Reserves	Project Managed
Branding	788	-	(302)	(486)	-	NTC
Scheduling Software	1,000	-	-	-	(1,000)	NTC
Replacement of nineteen 40' Conventional Buses	15,843	(11,613)*	(4,230)	-	-	NTC
Refurbishment of 40' Conventional Buses	1,071	(785)	(286)	-	-	NTC
Replacement of Specialized / Para Transit Buses	1,999	(1,465)	(534)	-	-	NTC
Replacement of two 40'	1,668	(1,223)*	-	-	(445)	NTC

Conventional Buses						
24-NTC-Building Equip	250	-	-	-	(250)	Niagara Region Facilities
24-NTC StCath-Overhead Door	400	-	-	-	(400)	Niagara Region Facilities
TOTAL	23,019	(15,086)	(5,352)	(486)	(2,095)	-

*The ICIP funding assigned to this project has been approved provincially but is pending federal approval. Project to be initiated once funding is fully approved.

NTC is forecasting a 2023 year-end balance in the reserves of \$0.4 million. The revised 2024 contribution to the capital reserve of only \$2.3 million will be enough to fund the 2024 capital requests.

2024 Transit Requisition

The net requisition amount will be allocated to the LAMs in accordance with the methodology approved in PW 55-2021. As such, costs will be apportioned on the following basis:

- Municipal service cost of \$39.3 million is apportioned based on proportionate share of service hours. This methodology recognized that the cost for each municipality would not reflect the actual cost of services delivered in the municipality but reflects the triple majority approved methodology that best aligned with the Transit financial model evaluation criteria.
- Regional transit transferred to NTC of \$17.2 million and is apportioned based on the proportionate share of Regional assessment. The 2024 value is based on the 2023 transferred amount adjusted for an estimated increase for inflation of 3%.
- 2022 Revenue shortfalls that were funded with one time funding of \$5.7 million were directly levied on the previous conventional transit providers (Niagara Falls, St. Catharines and Welland). The amount has been reduced by \$2.8 million or 50% in 2024 proportionately and the remaining balance will be reduced by 50% again in 2025 and 2026. This strategy was determined as the 2024 budget includes an increase in expected fare revenues of \$3.36 million. These three municipalities make up approximately 83% of the total service hour allocation or \$2.8 million of the incremental fare revenues expected for 2024.

-
- There is no longer a one-time allocation for transferred employee costs.

Appendix 2 presents the results of this methodology by municipality with Appendix 3 providing a further year over year comparison both by municipality and by average household in each municipality.

The net requisition changes by municipality after estimated assessment growth ranges from -16.4% to 19.7%. These requisition changes are the result of the differences in local service hours, 2023 assessment changes and budget increase. The large differences in range is mainly driven by service hours. The cost per household at this time is an estimate only as the actual special levy tax rate will be calculated based on final 2024 tax roll assessment to be delivered in December and subject to Regional tax policy decisions in the first quarter of 2024. The actual cost per household at that time will also reflect actual municipal assessment growth which can only be estimated at this time at the average of 1.5% for all of the Region.

As noted above the 2023 budget included \$0.8 million of municipal service costs in the WEGO contract revenue budget in error, however the service hours related to this cost were included in the service hours allocated to the City of Niagara Falls. Appendix 7 is provided with a comparison of the municipal portion of the requisition that would have occurred had the error been corrected in 2023. Table 1 in Appendix 7 shows first the approved 2023 budget with the \$3.36 million increase in the municipal service share of the budget and the resulting redistribution of costs across all municipalities with only St. Catharines resulting in a decrease. The 'corrected' version in Table 2 shows that all municipalities would have seen an increase in the municipal service distribution had the error not occurred. This is provided as a reference for the rationale of including the correction of the municipal service share of the budget with the service hour based allocation of the requisition in 2024.

Alternatives Reviewed

The recommended budget is in alignment with the budget strategy received by Regional Council to maintain delivery of base services. Considering the significant inflationary pressures seen in the 2024 budget, several budget mitigation options were investigated through the line-by-line analysis described in the Financial Implications and Analysis sections of this report. At the discretion of the Board, programs can be identified for elimination from or addition to the budget. The Board can recommend that the transfer to capital amount be further reduced in order to mitigate budget pressures in 2024 however this will put an increased pressure in future budget preparations as capital

costs continue to increase. The Board could also recommend that the full transfer to capital of \$4.3 million instead of only the \$2.3 million included in the 2024 proposal which would increase the year over year budget increase to \$5.7 million or 10.4%.

NTC is engaged in the corporate CAMRA prioritization process to establish the budget request. NTC also relies heavily on the Niagara Region's capital financing policy that establishes the principles Niagara Region will undertake to ensure financial sustainability, flexibility, transparency, and legislative compliance of its capital funding program. As a result, no alternatives to the capital budget request have been presented.

Other Pertinent Reports

CSD 38-2023 2024 Budget Planning and Timetable

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Appendices

Appendix 1	2024 vs 2023 NTC Operating Budget by Operating Expenditure
Appendix 2	2024 NTC Requisition Summary by Municipality
Appendix 3	2024 vs 2023 Requisition by Municipality & Cost by Household
Appendix 4	2024 FTE Request Summary
Appendix 5	2024 Capital Summary & 9-year Forecast
Appendix 6	2024 Capital Program Summary
Appendix 7	WEGO Requisition Comparison

Appendix 1 - 2024 vs 2023 NTC Operating Budget by Operating Expenditure

Operating Expenditure	2024	2023	Variance
Labour Related Costs	41,483,360	38,028,865	3,454,495
Administrative	2,948,800	2,858,216	90,584
Operational and Supply	11,480,606	11,215,446	265,160
Occupancy & Infrastructure	1,239,000	481,000	758,000
Equipment, Vehicles, Technology	15,554,484	12,853,841	2,700,643
Transfers to Capital Reserve	2,313,333	2,166,667	146,666
Allocation Between Departments	10,000	-	10,000
Debt	2,192,199	2,197,145	(4,946)
Shared Services	6,012,651	6,094,695	(82,044)
Total Gross Expenses	83,234,433	75,895,875	7,338,558
Revenues	(23,784,338)	(20,663,924)	(3,120,414)
Transfers from Encumbrance Reserve	(101,719)	(179,000)	77,281
Total Net Special Levy	59,348,376	55,052,951	4,295,425
One-Time Levy - EFB	-	1,508,400	-
Total Special Levy	59,348,376	56,561,351	2,787,025

Appendix 2 - 2024 Requisition Summary by Local Area Municipality

Municipality	2023 Service Hours	2023 Service Hours Allocation %	2024 Service Hours	2024 Service Hour allocation %	2024 Service Hour Allocation	2024 Regional Assessment Allocation ¹	2024 Direct Municipal Allocation ²	2024 Special Levy Requisition	2023 Special Levy Requisition (Including One-Time Costs)	Change
St. Catharines	193,499	42.6%	193,924	42.6%	16,748,116	4,355,013	1,185,000	22,288,129	21,770,905	517,224
Niagara Falls	125,048	27.5%	130,411	28.6%	11,262,859	3,590,133	1,027,487	15,880,479	14,561,963	1,318,516
Welland	57,031	12.6%	52,565	11.5%	4,539,741	1,435,356	637,500	6,612,597	7,048,866	(436,269)
Niagara-on-the-lake	15,912	3.5%	15,912	3.5%	1,374,229	1,475,794	0	2,850,023	2,585,009	265,014
Port Colborne	5,655	1.2%	5,655	1.2%	488,390	543,056	0	1,031,446	938,038	93,408
Pelham	5,655	1.2%	2,545	0.6%	219,797	732,308	0	952,105	1,118,510	(166,405)
Thorold	14,751	3.2%	14,647	3.2%	1,264,978	771,672	0	2,036,650	1,775,411	261,239
Fort Erie	25,444	5.6%	25,444	5.6%	2,197,454	1,074,482	0	3,271,936	2,875,904	396,032
Grimsby	5,655	1.2%	8,483	1.9%	732,629	1,303,875	0	2,036,504	1,679,779	356,725
Lincoln	5,655	1.2%	5,980	1.3%	516,459	1,067,030	0	1,583,489	1,427,442	156,047
West Lincoln	-	0.0%	-	0.0%	0	548,338	0	548,338	530,128	18,210
Wainfleet	-	0.0%	-	0.0%	0	256,677	0	256,677	249,394	7,283
Total	454,305	100.0%	455,566	100.0%	39,344,655	17,153,734	2,849,987	59,348,373	56,561,350	2,787,023

¹ 2023 Total Regional Allocation adjusted for 3% CPI allocated based on the 2023 Municipal current value assessment.

² Based on a 50% reduction from 2023.

TOTAL Gross Budget	-	-	59,348,376
Regional Assessment	-	-	17,153,734
Direct Revenue	-	-	2,849,987
Net Service Charge	-	-	39,344,655

Municipality	Direct Municipal Allocation 2023	Reduction for fare revenues 50%	Direct Revenue Charge	2025 Reduction	2026 Reduction	Variance
St. Catharines	2,370,000	(1,185,000)	1,185,000	(592,500)	(592,500)	-
Niagara Falls	2,054,974	(1,027,487)	1,027,487	(513,744)	(513,744)	-
Welland	1,275,000	(637,500)	637,500	(318,750)	(318,750)	-
TOTAL	5,699,974	(2,849,987)	2,849,987	(1,424,994)	(1,424,994)	

Fare Revenue Increase	-	(3,359,226)	-	-	-	-	-
3 Site service allocation	-	83%	Welland, St. Catharines & Niagara Falls make up 83% of total allocation				
Total	-	(2,788,158)	Portion of increased fare revenue relative to 3 locations.				
	-	-	-	-	-	-	-
50% of 2023 Direct Portion	-	2,849,987	-	-	-	-	-
Variance NS	-	61,829	-	-	-	-	-

2023 had \$5.7M allocated to 3 LAMS. Increase of fare revenues across systems \$3.36M. Pro-rated increased fare revenues based on service allocation of the three LAM's which is approximately 83%. Thus reduced the Direct Municipal portion related to unsustainable revenues sources in prior years to these 3 Lam's. Then will reduce remaining amount by 50% in 2025 and 2026 until no direct municipal portion.

Appendix 3 - 2024 vs 2023 Cost Per Local Area Municipality

Municipality	2023 Approved Budget	2024 Approved Budget	Change in \$	Change in %	Average assessment Growth	Change net of Assessment Growth
St. Catharines*	21,770,905	22,288,129	517,224	2.4%	1.5%	0.9%
Niagara Falls	14,561,963	15,880,479	1,318,516	9.1%	1.5%	7.6%
Welland*	7,048,866	6,612,597	(436,269)	-6.2%	1.5%	-7.7%
NOTL	2,585,009	2,850,023	265,014	10.3%	1.5%	8.8%
Port Colborne	938,038	1,031,446	93,408	10.0%	1.5%	8.5%
Pelham	1,118,510	952,105	(166,405)	-14.9%	1.5%	-16.4%
Thorold	1,775,411	2,036,650	261,239	14.7%	1.5%	13.2%
Fort Erie	2,875,904	3,271,936	396,032	13.8%	1.5%	12.3%
Grimsby	1,679,779	2,036,504	356,725	21.2%	1.5%	19.7%
Lincoln	1,427,442	1,583,489	156,047	10.9%	1.5%	9.4%
West Lincoln	530,128	548,338	18,210	3.4%	1.5%	1.9%
Wainfleet	249,394	256,677	7,283	2.9%	1.5%	1.4%
Total	56,561,351	59,348,373	2,787,022	4.9%	1.5%	3.4%
One-time EFB Levy*	(1,508,400)	-	-	-	-	-
Total Base Budget	55,052,951	59,348,373	4,295,422	7.8%	1.5%	6.3%

*In 2023 an additional one-time special levy allocation for transferred costs from St. Catharines (\$1,220,633) and Welland (\$287,767).

Appendix 3 - 2024 vs 2023 Cost per Household (Net of Assessment Growth)

Municipality	2023 Household Current Value Assessment	2023 Approved Budget ¹	2023 Cost per Household	2024 Approved Budget	2024 Cost per Household	Change in \$	Change in %
St. Catharines	259,643	21,770,905	312	22,288,129	315	3	0.9%
Niagara Falls	262,988	14,561,963	257	15,880,479	276	19	7.6%
Welland	214,079	7,048,866	253	6,612,597	234	(19)	-7.7%
NOTL	493,825	2,585,009	208	2,850,023	226	18	8.8%
Port Colborne	207,501	938,038	86	1,031,446	94	7	8.5%
Pelham	364,292	1,118,510	134	952,105	112	(22)	-16.4%
Thorold	228,358	1,775,411	126	2,036,650	143	17	13.2%
Fort Erie	216,145	2,875,904	139	3,271,936	156	17	12.3%
Grimsby	400,088	1,679,779	124	2,036,504	149	24	19.7%
Lincoln	364,773	1,427,442	117	1,583,489	129	11	9.4%
West Lincoln	323,030	530,128	75	548,338	77	1	1.9%
Wainfleet	273,324	249,394	64	256,677	65	1	1.4%
Total	-	56,561,351	-	59,348,373	-	-	-

¹ 2023 Approved budget includes the one-time EFB special levy payment.

2024 FTE Summary

Position	# of FTE	Gross Annual Salary	Description
Bus Cleaner	1.00	\$69,621	Through the budget preparation for 2023, there were upload errors by way of omission. Prior to the upload date of January 1st, 2023, these positions existed on site and were staffed. The uploaded compensation budget, nor the total headcount, included the full complement of transferred staff at this site.
Mechanic	0.86	\$93,914	Through the budget preparation for 2023, the uploaded hours did not accurately reflect the full-time component of the role. One of the two uploaded full-time staff, was calculated without the 40-hour, weekly guarantee.
Service Person	2.00	\$180,360	Through the budget preparation for 2023, there were upload errors by way of omission. Prior to the upload date of January 1st, 2023, these positions existed on site and were staffed. The uploaded compensation budget, nor the total headcount, included the full complement of transferred staff at this site.
Operators	3.00	\$271,009	Through the budget preparation for 2023, there were upload errors by way of omission. Prior to the upload date of January 1st, 2023, these positions existed on site and were staffed. The uploaded compensation budget, nor the total headcount, included the full complement of transferred staff at this site.
Total FTE Upload Errors	6.86	\$614,904	-
Supervisor Fleet Maintenance	1.00	\$115,117	While working through the transitional period since January 1st, 2023, staff have identified an operational gap in supervision within the fleet maintenance department. To date, approximately 57 per cent of working hours are not captured with supervisory coverage. Supervisory staff play a critical role in employee safety, service delivery, NTC derived initiatives, and assistance in project management.

Electrical/ITS Technician	1.00	\$107,848	Currently, the NTC is managing a fleet of 235 Vehicles (revenue and non-revenue inclusive), along with 50, current partner/contractor vehicles (NRT On-demand, BTS, Fort Erie OnDemand, etc.) that currently have ITS Technology onboard. As it stands, the entirety of the network is supported by the ITS Specialist, one person. Between in-flight and future projects, more devices and connectivity to the buses will subsequently occur.
Service Person	0.25	\$19,024	The increase of 0.25 of Service Person is to have the part-time Service Person position become full-time as this position is currently working full-time hours through overtime. This transition from part-time to full-time not only provides stability for our workforce but also enhances employee engagement, loyalty, and overall satisfaction.
Total NEW FTE	2.25	\$241,989	-
Digital/Media Website Coordinator	1.00	\$93,914	In light of the increasing reliance on digital media as a primary source for news, content consumption, and engagement, it has become imperative to allocate a Full-Time Equivalent (FTE) to oversee the management of the NTC's digital presence. This position was a temporary position in the 2023 budget funded through a transfer of encumbrance reserve. The position was hired in July 2023 and this position will be funded by the encumbrance reserve for 50 per cent of the year in 2024. Not continuing the role of the Digital Media and Website Coordinator jeopardizes our ability to effectively communicate with our riders whom we know are moving to on-line or smart technologies for their information and to pay their fares or use their UPASS, maintain a positive brand image, seize opportunities for engagement, make data-driven decisions, and may have long-term financial implications.
Total GROWTH FTE	1.00	\$93,914	-
TOTAL 2024 FTE Requests	10.11	\$950,807	-

2024 Capital Summary & 9-year forecast

Annual Project	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	Total
Branding	\$787,700	-	-	-	-	-	-	-	-	-	-
Scheduling Software	1,000,000	-	-	-	-	-	-	-	-	-	1,000,000
Replace 40' Conventional Buses (Note 1)	15,843,150	-	-	-	-	-	-	-	-	-	15,843,150
Refurbishment of 40' Conventional Buses	1,071,000	-	-	-	-	-	-	-	-	-	1,071,000
Replacement of Specialized / Para Transit Buses	1,999,200	-	-	-	-	-	-	-	-	-	1,999,200
Replace 2 x 40' Conventional Buses (Note 1)	1,667,700	-	-	-	-	-	-	-	-	-	1,667,700
24-NTC-Building Equip	250,000	-	-	-	-	-	-	-	-	-	250,000
24-NTC StCath-Overhead Door	400,000	-	-	-	-	-	-	-	-	-	400,000
Annual - Replace 40' Conventional Buses (Note 1)	-	9,355,797	6,940,300	11,503,548	13,538,797	17,492,118	12,207,657	9,755,760	12,380,000	12,627,600	105,801,577
Replacement of Specialized/Para Transit Buses	-	1,274,490	779,988	1,325,979	811,499	551,820	281,428	579,411	608,381	638,800	6,851,796
Replace 60' Conventional Buses (Note 1)	-	-	1,272,388	1,297,836	1,323,793	-	4,131,822	-	-	-	8,025,839
Facility Review&Captial Inv't (Note 1)	-	3,345,120	-	-	-	-	-	-	-	-	3,345,120
On-Demand/Specialize d Vehicles (Note 1)	-	1,250,000	1,250,000	1,250,000	1,250,000	-	-	-	1,464,574	1,464,574	7,929,148
Other Transit Capital (Note 1)	-	1,184,100	1,207,785	1,231,940	1,256,580	1,281,710	1,307,345	1,333,495	1,360,165	1,387,365	11,550,485
Growth - Fleet Expansion (Note 1)	-	-	4,960,040	4,960,040	4,960,040	4,960,040	4,960,040	-	-	-	24,800,200
Growth - Facility Expansion	-	-	14,217,000	-	-	-	-	-	-	-	14,217,000
Total Gross Capital	\$23,018,750	\$16,409,507	\$30,627,501	\$21,569,343	\$23,140,709	\$24,285,688	\$22,888,292	\$11,668,666	\$15,813,120	\$16,118,339	\$205,539,915
Capital Reserve Funding (Note 2)	(2,095,276)	(1,184,100)	(2,977,921)	(1,231,940)	(1,256,580)	(1,281,710)	(1,307,345)	(1,333,495)	(1,360,165)	(1,387,365)	(15,415,897)
Development Charges	(485,434)	-	(12,528,616)	(3,240,460)	(3,240,460)	(3,240,460)	(3,240,460)	-	-	-	(25,975,890)
ICIP Funding (Note 3)	(15,085,910)	(11,164,791)	(7,510,954)	(11,276,220)	(12,410,434)	(13,231,620)	(12,188,111)	(7,578,781)	(10,598,352)	(10,802,223)	(111,847,396)
Provincial Gas Tax Funding	(5,352,130)	(4,060,616)	(7,610,010)	(5,820,723)	(6,233,235)	(6,531,898)	(6,152,376)	(2,756,390)	(3,854,603)	(3,928,751)	(52,300,732)
Net Funding Gap	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Note 1 - ICIP Application has been approved Provincially but is pending federal approval.
Note 2 - Assumption includes approval of transfer to capital in operating budget.
Note 3 - Estimates include new funding opportunities past 2031 as ICIP ends 2031.

2024 Capital Program Summary

Project Name	2024 Gross Capital Request	% of Budget	Description of Costs
Branding	\$787,700	4%	Consolidation of all local and regional transit requires rebranding on the fleet, stops and shelters to align with the new created NTC. NTC branding is required in the next 12 months in order to prevent confusion amongst the most vulnerable transit riders. <u>Funded by:</u> \$485,434 Development Charges \$302,266 Provincial Gas Tax
Scheduling Software	\$1,000,000	4%	This project includes the design and creation of new scheduling software for Niagara Regional Transit. This project involves the purchase of a single robust electronic scheduling software that will plan, optimize, and enhance transit resource scheduling operations across three geographic locations, based on the new rules of the new Collective Bargaining Agreement (CBA). <u>Funded by:</u> \$1,000,000 – Capital Reserves
Replace 40' Conventional Buses	\$15,843,150	71%	This project includes the replacement of vehicles required to meet committed service levels. Based on informal condition assessment (vehicle age, vehicle mileage, and historical maintenance costs), these vehicles have been identified as being 15 years old and in need of replacement in the next 12 months. 12 years is the optimal replacement age to minimize maintenance and in-service breakdowns. These vehicles are three years beyond the average useful life resulting in a high probability that these vehicles will fail during service over the next year. When failure occurs, these vehicles will be out of service between two weeks and three months, affecting 400 riders per day. <u>Funded by:</u> \$ 4,230,121 – Provincial Gas Tax \$11,613,029 – ICIP (pending federal approval)
Refurbishment of 40' Conventional Buses	\$1,071,000	5%	This project intends to refurbish 3 x 40' conventional diesel buses to prevent failure in 2024 and increase vehicle useful life from 12 years to 15 years. These vehicles were identified for refurbishment based on informal condition assessment, and optimal

Project Name	2024 Gross Capital Request	% of Budget	Description of Costs
			refurbishment age of 7-8 years. These vehicles are required to meet committed service levels. <u>Funded by:</u> \$285,957 – Provincial Gas Tax \$785,043 - ICIP
Replacement of Specialized / Para Transit Buses	\$1,999,200	9%	This project is based on informal condition assessment identifying these vehicles as being nine years old, which is two years beyond industry standard of seven years (the optimal replacement age to minimize maintenance and in service breakdowns). These vehicles are required to meet committed service levels and are already two years beyond the average useful life resulting in a high probability that these vehicles will fail during service over the next 12 months. When failure occurs, these vehicles will be out of service between two weeks and three months, affecting 74 riders per day. <u>Funded by:</u> \$533,786 – Provincial Gas Tax \$1,465,414 – ICIP
Replacement of 2 x 40' Conventional Buses	\$1,667,700	7%	These vehicles are required to meet committed service levels. Based on informal condition assessment these vehicles have been identified as being 15 years old and in need of replacement in the next year. 12 years is the optimal replacement age to minimize maintenance in service breakdowns. These vehicles are three years beyond the average useful life and thus there is a very high probability that these vehicles will fail during service over the next year. When failure occurs, these vehicles will be out of service between two weeks and three months, affecting 400 riders per day. <u>Funded by:</u> \$ 445,276 – Capital Reserves \$1,222,424 – ICIP (pending Federal Approval)

WEGO Requisition Comparison

Table 1 – Original Service Hour Allocation

Local Area Municipality	Approved 2022 Municipal Budget	Approved NTC 2023 Budget	Difference	Service Hours
St. Catharines	14,044,000	13,927,190	116,810)	193,499
Niagara Falls	8,128,009	9,000,394	872,385	125,048
Welland	3,479,566	4,104,835	625,269	57,031
Niagara-on-the-Lake	982,900	1,145,274	162,374	15,912
Port Colborne	165,700	407,022	241,322	5,655
Pelham	182,000	407,022	225,022	5,655
Thorold	714,390	1,061,711	347,321	14,751
Fort Erie	1,253,176	1,831,377	578,201	25,444
Grimsby	250,000	407,022	157,022	5,655
Lincoln	135,340	407,022	271,682	5,655
West Lincoln	-	-	-	-
Wainfleet	-	-	-	-
Total	\$ 29,335,081	\$ 32,698,867	\$ 3,363,786	454,305

Table 2 – Corrected Service Hour Allocation

Local Area Municipality	Approved 2022 Municipal Budget	Approved NTC 2023 budget	Difference	Service Hours
St. Catharines	14,044,000	14,267,928	223,928	193,499
Niagara Falls	8,928,009	9,220,595	292,586	125,048
Welland	3,479,566	4,205,263	725,697	57,031
Niagara-on-the-Lake	982,900	1,173,294	190,394	15,912
Port Colborne	165,700	416,980	251,280	5,655
Pelham	182,000	416,980	234,980	5,655
Thorold	714,390	1,087,686	373,296	14,751
Fort Erie	1,253,176	1,876,183	623,007	25,444
Grimsby	250,000	416,980	166,980	5,655
Lincoln	135,340	416,980	281,640	5,655
West Lincoln	-	-	-	-
Wainfleet	-	-	-	-
Total	\$30,135,081	\$33,498,867	\$3,363,786	454,305

Increase for NF/CityRed Municipal Services \$800,000

October 30, 2023

The Honourable Doug Ford, Premier of Ontario
Premier's Office, Room 281
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Delivered by email
premier@ontario.ca

Dear Premier:

Re: Town of Aurora Council Resolution of October 24, 2023

Motion 10.1 – Councillor Kim; Re: Cannabis Retail Applications for the Town of Aurora

Please be advised that this matter was considered by Council at its meeting held on October 24, 2023, and in this regard, Council adopted the following resolution:

Whereas in January 2019, Council voted in favour of retail Cannabis in the Town of Aurora; and

Whereas the Alcohol and Gaming Commission of Ontario (AGCO) is the legal body overseeing Cannabis Retail; and

Whereas the Town of Aurora with geography of 7 km x 7 km and population of 64,000 currently has 13 Cannabis retail stores and 1 authorized at the AGCO; and

Whereas the long-term vision of the Town's Official Plan supports active and healthy lifestyle choices to complement a complete community; and

Whereas many cannabis stores are within close proximity to schools and daycares which are inhabited by society's most vulnerable; and

Whereas the Province of Ontario Liquor Licence and Control Act, 2019 (LLCA) in its regulation already has a precedent by limiting the number of grocery stores licensed to sell beer, wine, and cider to 450 and is currently not accepting any more applications;

- 1. Now Therefore Be It Hereby Resolved That the Town of Aurora requests that the Government of Ontario through its Alcohol and Gaming Commission of Ontario (AGCO) no longer accepts any further cannabis retail applications for the Town of Aurora; and**

- 2. Be It Further Resolved That the Town of Aurora requests that the Government of Ontario re-evaluate its “formula” on how many cannabis stores are permissible within the boundaries of a municipality, including but not limited to:**
 - a. Utilizing a cap or upper limit;**
 - b. Utilizing a population per capita formula;**
 - c. Utilizing a distance to the next cannabis retail store formula; and**
- 3. Be It Further Resolved That should the Government of Ontario revisit the retail Cannabis formula guiding the number of cannabis retail stores permissible in a municipality, that it would extend to all existing municipalities; and**
- 4. Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario; the Honourable Doug Downey, Attorney General of Ontario; Dawn Gallagher Murphy, MPP Newmarket—Aurora; and the Honourable Michael Parsa, MPP Aurora—Oak Ridges—Richmond Hill; and**
- 5. Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.**

The above is for your consideration and any attention deemed necessary.

Yours sincerely,



Michael de Rond
Town Clerk
The Corporation of the Town of Aurora

MdR/lb

Attachment (Council meeting extract)

Copy: Hon. Doug Downey, Attorney General of Ontario
Dawn Gallagher Murphy, MPP Newmarket—Aurora
Hon. Michael Parsa, MPP Aurora—Oak Ridges—Richmond Hill
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities



10. Motions

10.1 Councillor Kim; Re: Cannabis Retail Applications for the Town of Aurora

Moved by Councillor Kim

Seconded by Councillor Gilliland

Whereas in January 2019, Council voted in favour of retail Cannabis in the Town of Aurora; and

Whereas the Alcohol and Gaming Commission of Ontario (AGCO) is the legal body overseeing Cannabis Retail; and

Whereas the Town of Aurora with geography of 7 km x 7 km and population of 64,000 currently has 13 Cannabis retail stores and 1 authorized at the AGCO; and

Whereas the long-term vision of the Town's Official Plan supports active and healthy lifestyle choices to complement a complete community; and

Whereas many cannabis stores are within close proximity to schools and daycares which are inhabited by society's most vulnerable; and

Whereas the Province of Ontario Liquor Licence and Control Act, 2019 (LLCA) in its regulation already has a precedent by limiting the number of grocery stores licensed to sell beer, wine, and cider to 450 and is currently not accepting any more applications;

1. Now Therefore Be It Hereby Resolved That the Town of Aurora requests that the Government of Ontario through its Alcohol and Gaming Commission of Ontario (AGCO) no longer accepts any further cannabis retail applications for the Town of Aurora; and
2. Be It Further Resolved That the Town of Aurora requests that the Government of Ontario re-evaluate its "formula" on how many cannabis stores are permissible within the boundaries of a municipality, including but not limited to:
 - a. Utilizing a cap or upper limit;
 - b. Utilizing a population per capita formula;
 - c. Utilizing a distance to the next cannabis retail store formula; and

3. Be It Further Resolved That should the Government of Ontario revisit the retail Cannabis formula guiding the number of cannabis retail stores permissible in a municipality, that it would extend to all existing municipalities; and
4. Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario; the Honourable Doug Downey, Attorney General of Ontario; Dawn Gallagher Murphy, MPP Newmarket—Aurora; and the Honourable Michael Parsa, MPP Aurora—Oak Ridges—Richmond Hill; and
5. Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Yeas (7): Mayor Mrakas, Councillor Weese, Councillor Gilliland, Councillor Gaertner, Councillor Thompson, Councillor Gallo, and Councillor Kim

Carried



The Corporation of the Township of Terrace Bay

P.O. Box 40, 1 Selkirk Avenue, Terrace Bay, ON, P0T 2W0
Phone: (807) 825-3315 Fax: (807) 825-9576

October 17, 2023

Premier Doug Ford
premier@ontario.ca

Dear Mr. Ford,

At the Township of Terrace Bay Regular Council Meeting held on Monday March 6, 2023, the following resolution of support was passed.

RE: Township of Aurora Motion 10.4 Councillor Weese, Re: Aurora Council Opposition to Strong Mayor Powers in Aurora"

Resolution: 257-2023

Moved by: Councillor Johnson

Seconded by: Councillor St. Louis

Whereas the Township of Aurora passed "Motion 10.4 - Councillor Weese; Re: Aurora Council Opposition to Strong Mayor Powers in Aurora at its meeting on September 26, 2023; and

Whereas these Strong Mayor Powers undermine democratic processes executed through municipal elections; and

Whereas Strong Mayor Powers may also violate by-laws established by municipalities that provides accepted and legal procedures for governance; and

Whereas Terrace Bay Council recognizes the important role each Councillor provides the residents in their Ward and the community-at-large;

Now Therefore Be it Hereby Resolved That the Township of Terrace Bay Council supports the Town of Aurora's motion 10.4 and opposes Strong Mayor Powers being provided to the Head of Council;

Be It Further Resolved That this approved Motion is to be sent to the Premier of Ontario, the Honourable Doug Ford; the Minister of Municipal Affairs and Housing, the Honourable Paul Calandra; Lise Vaugeois MPP, Thunder Bay—Superior North and each of the Municipalities in Ontario.

Sincerely,

Jon Hall
CAO/Clerk

CC:

Honourable Paul Calandra - minister.mah@ontario.ca

MPP – Thunder Bay Superior North - Lise Vaugeois - LVaugeois-QP@ndp.on.ca

All Ontario Municipalities



Hon. Doug Downey
Attorney General
McMurtry-Scott Bldg 11th Flr, 720 Bay St.
Toronto, ON M7A 2S9

October 26th 2023

Sent via e-mail: doug.downey@ontario.ca

Re: Call for an Amendment to the Legislation Act, 2006

Dear Mr. Downey,

Please be advised that at the Regular Council Meeting on October 25th 2023, the Town of Plympton-Wyoming Council passed the following motion, supporting the attached resolution from the Township of McKellar regarding a Call for an Amendment to the Legislation Act, 2006.

Motion 10

Moved by Councillor Kristen Rodrigues

Seconded by Councillor John van Klaveren

That Council support item 'L' of correspondence from the Township of McKellar regarding a Call for an Amendment to the Legislation Act, 2006.

Carried.

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at ekwarciak@plympton-wyoming.ca.

Sincerely,

Erin Kwarciak
Clerk
Town of Plympton-Wyoming

cc: Sent via e-mail
Paul Calandra, Minister of Municipal Affairs and Housing
Bob Bailey, MPP Sarnia-Lambton
The Association of Ontario Municipalities (AMO)
Neil Oliver, CEO & President, Metroland Media Group
All Ontario Municipalities



Township of McKellar

701 Hwy #124, P.O. Box 69, McKellar, Ontario POG 1C0

Phone: (705) 389-2842

Fax: (705) 389-1244

October 19, 2023

Hon. Doug Downey
Attorney General
McMurtry-Scott Bldg 11th Flr, 720 Bay St.
Toronto, ON M7A 2S9

Sent via email: Doug.Downey@ontario.ca

RE: Call for an Amendment to the *Legislation Act, 2006*

Dear Mr. Downey,

At the Regular Meeting of Council held on October 17, 2023, the Council of the Corporation of the Township of McKellar carried the following resolution:

Resolution No. 23-671

Moved by: Councillor Kekkonen

Seconded by: Councillor Zulak

WHEREAS Metroland Media Group has sought bankruptcy protection and will cease the print publication of its weekly community newspapers across Ontario, moving to an online-only model; and

WHEREAS Neil Oliver, Chief Executive Officer and President of Metroland Media Group, said the 71 Metroland community publications will be digital only going forward; and

WHEREAS the *Legislation Act, 2006* provides a definition of “newspaper” which applies to every Ontario Act and Regulation, as in a provision requiring publication, means a document that, (a) **is printed in sheet form**, published at regular intervals of a week or less and circulated to the general public, and (b) consists primarily of news of current events of general interest; (“journal”); and

WHEREAS Ontario Municipalities are required to follow publication and notice requirements for Provincial Acts and Regulations; and

WHEREAS communities such as the West Parry Sound Area cannot comply with publication requirements in Provincial Acts and Regulations as the Parry Sound North Star news publication is no longer being printed in sheet form and there are no other local news publications fitting the definition of “newspaper”; and

WHEREAS some small, rural, Ontario Municipalities may not have the means to bring an application to the Court to ask for directions and approval of an alternate manner of providing notice;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of McKellar does hereby request the Provincial government to make an amendment to the *Legislation Act, 2006* to include digital publications as an acceptable means of publication and notice requirements for Provincial Acts and Regulations; and

FURTHER request the support of all Ontario Municipalities; and

FURTHER THAT this resolution be forwarded to the Minister of Municipal Affairs and Housing, Paul Calandra; Parry Sound-Muskoka MPP, Graydon Smith; The Association of Ontario Municipalities (AMO); CEO and President of Metroland Media Group, Neil Oliver and all Ontario Municipalities.

Carried

Regards,



Karlee Britton
Deputy Clerk
Township of McKellar
deputyclerk@mckellar.ca
(705) 389-2842 x5

cc:

Paul Calandra, Minister of Municipal Affairs and Housing
Graydon Smith, MPP Parry Sound-Muskoka
The Association of Ontario Municipalities (AMO)
Neil Oliver, CEO & President, Metroland Media Group
All Ontario Municipalities





The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

Tuesday, November 7, 2023

Resolution # RC23262	Meeting Order: 7
Moved by: 	Seconded by: 

WHEREAS the Corporation of the Municipality of Wawa is a small community in Northern Ontario with limited financial resources; and

WHEREAS the Municipality owns and operates the water treatment facility, water distribution facility, wastewater treatment facility and wastewater collection facility which service the residents of the Municipality of Wawa; and

WHEREAS the Municipality of Wawa requires Class II Water Treatment Operators for its facilities; and

WHEREAS the Municipality of Wawa attempts to provide training as prescribed by the Province of Ontario to obtain the necessary classification(s); and

WHEREAS it has struggled in obtaining a full staff compliment who is eager to take on the responsibilities of water treatment, distribution, wastewater collection and treatment operations; and

WHEREAS any new employees of the Municipality of Wawa require certification and training is becoming increasingly difficult to procure; and

WHEREAS the Province of Ontario has implemented stringent review of water treatment plants to ensure compliance; and

WHEREAS the Province of Ontario is promoting and providing an increased number of training opportunities for a variety of trades;

THEREFORE, BE IT RESOLVED that the Council of the Corporation of the Municipality of Wawa petitions the Province of Ontario to expand water treatment training opportunities for communities within Ontario; and

p.2....



The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

FURTHERMORE, that the training be delivered in a method that is flexible and affordable; and

FURTHERMORE, utilize existing networks, such as Contact North, for on-line exam preparation and exam supervision; and



FURTHERMORE, the Council of the Corporation of the Municipality of Wawa forward a copy of this resolution to Premier Doug Ford, Minister of Environment, Conservation and Parks, Andrea Khanjin, Algoma Manitoulin MPP Michael Mantha and Walkerton Clean Water Centre, and all Ontario Municipalities.

RESOLUTION RESULT		RECORDED VOTE		
<input checked="" type="checkbox"/>	CARRIED	MAYOR AND COUNCIL	YES	NO
<input type="checkbox"/>	DEFEATED	Mitch Hatfield		
<input type="checkbox"/>	TABLED	Cathy Cannon		
<input type="checkbox"/>	RECORDED VOTE (SEE RIGHT)	Melanie Pilon		
<input type="checkbox"/>	PECUNIARY INTEREST DECLARED	Jim Hoffmann		
<input type="checkbox"/>	WITHDRAWN	Joseph Opato		

Disclosure of Pecuniary Interest and the general nature thereof.

- ☐ Disclosed the pecuniary interest and general name thereof and abstained from the discussion, vote and influence.

Clerk: _____

MAYOR – MELANIE PILON	CLERK – MAURY O'NEILL
	

This document is available in alternate formats.

Building Community Building Lives



**PROGRESS UPDATE FOR
PORT COLBORNE
CITY COUNCIL**

**Affordable Housing at
Clarke & Chestnut Streets**



Working Together, Improving Lives & Community

Dear Mayor Steele and Members of Port Colborne Council,

It seems almost beyond belief that in just over a year from now, low income seniors and young families in need of safe, clean and dignified housing will be calling the Port Cares Affordable Housing Development at Clarke and Chestnut Streets their place to call home. Friday, November 3rd marked an important milestone towards the realization of this affordable housing development with the receipt from the City of Port Colborne of the project's full building permit. With our full permit in hand our Project Delivery Team - namely Whiteline Architecture, Rankin Construction, and PC Quarries - are working diligently and rapidly to meet a very aggressive building timeline. Truly none of this would have been possible without the partnership and support of the City of Port Colborne and Port Colborne Council.

Bringing the idea of affordable housing from idea to reality has been the result of true partnership, authentic collaboration and community compassion. None of this would have been possible without working together and the incredible support Port Cares has received from the City, our partners, funders, donors and our Project Development and Project Delivery teams.

Sincerely,

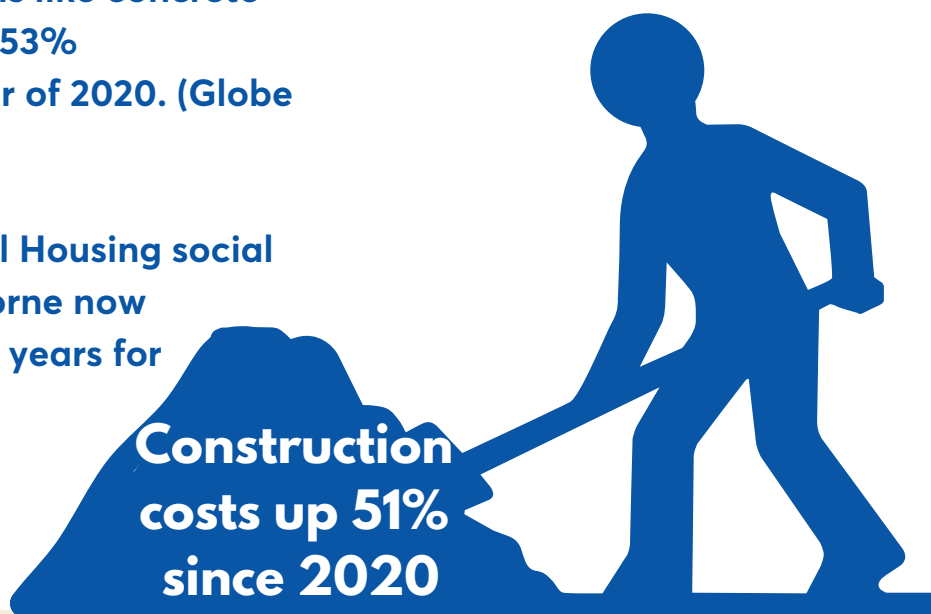
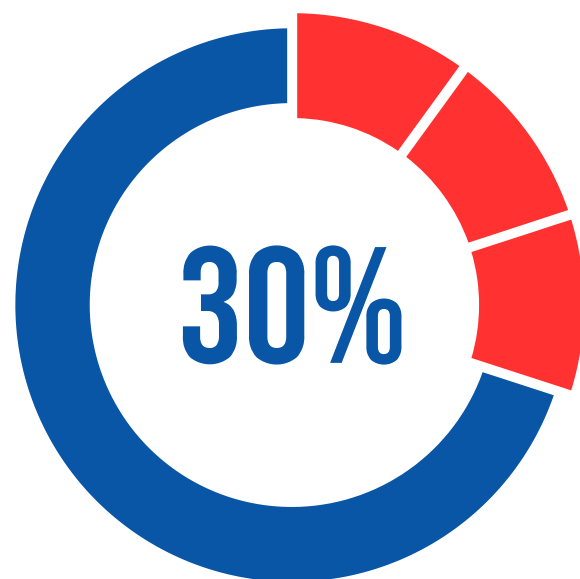
Christine

Christine Clark Lafleur, CEO Port Cares



KEY FACTS for Council

- Of the 11 local municipalities in Niagara, Port Colborne has the highest number of households spending 30% or more of their net income on shelter costs (rental or owned).
- In Port Colborne one in every FOUR households spends 30% + of household income on shelter - putting 25% of all Port Colborne households at risk of housing loss.
- In Nov. 2022 average rent for a one-bedroom apartment in Port Colborne was \$1,200 -- market snapshot Nov. 7, 2023 lists 24 @ 1 and 2 bedroom apartments available in Port Colborne from \$1,500 plus utilities a month to \$2,800 +
- The cost of residential building a home in Canada has never been higher. Up 51% since the start of the pandemic (Q1 2020), the country's residential construction price index has well outpaced CPI (+13%). Driving the increase are dramatic jumps in prices for key building materials like concrete and structural steel, up 55% and 53% respectively since the first quarter of 2020. (Globe & Mail Sept. 2023).
- The wait list for Niagara Regional Housing social housing rental units in Port Colborne now exceeds 8 years for seniors and 9 years for families.



Port Cares Project Development Committee

Reporting to the Board of Directors of Port Cares, the following Board members and staff serve on the Committee overseeing the Project development :

- Curt Benson, Committee Chair (Director Strategy & Chief Planning Officer, Region of Halton)
- Greg Bartman (Commerical Relationship Manager Meridian)
- Cathy Boggio (Former Business Owner, Boggio Pharmacies)
- Barbara Butters (Former Regional Councillor)
- Mike Cooper (Retired, Project Manager)
- Angie Desmarais (former City Councillor)
- Christine Clark Lafleur (Port Cares CEO)
- Diane Chivers (Program Director, Port Cares)
- Gord Szaszi - Project Manager / Niagara Regional Housing Development Services

Project Delivery Team



WHITELINE |
Architects Inc.





Project Construction Milestones Completed to Date

- July 31/23 - Site works commenced under conditional permits
- July 31/23 - Site Servicing commenced under conditional permits
- Aug 14/23 - Foundation work supported by PcQuarries commenced
- Sept 5/23 - Foundation Work completed
- Oct 2/23 - Superstructure work commenced
- Oct 6/ 23 - Slab on grade poured
- Nov 3/ 23 - Full Building Permit received
- Nov 5/23 - Installation of first floor structural steel
- Nov 9/23 - Second story hollow core floor slabs installed

Project Milestones Upcoming

NOVEMBER 2023

- Hollow Core floor drops for second and third floors
- Load bearing Masonry completed
- Installation of First Floor Structural steel complete

DECEMBER 2023 *Weather permitting

- Hollow Core floor drop for fourth floor
- Hollow Core floor drop for fifth floor

JANUARY 2024 * Weather permitting

- Roof
- Exterior fully enclosed





Additional Details

- Current costing is approximately \$16 million including City's land donation
- Fixed Price Contract with Rankin Construction
- Project will be fully funded by completion as a result of private, philanthropic and corporate donations - there is no debt financing on the development
- Process to apply for occupancy will be released in late spring 2024
- Rents are deeply affordable at \$520 including utilities for one bedroom and \$710 including utilities for 2 bedroom
- One bedrooms are 580 sq ft / Two's @ 750 square feet
- Occupants will be low income independent seniors (55 yrs +) and female led single parent families with one to 2 children under the age of 18

City of Port Colborne
Environmental Advisory Committee Meeting Minutes

Date: Wednesday, September 13, 2023
Time: 6:00 pm
Location: Engineering and Operations Centre, Committee Room
1 Killaly St West, Port Colborne

Members Present: R. Waines
J. Hellinga
T. Doan
N. Gieger
T. Lamb
K. Klauck
A. Smits

Staff Present: M. Lannan, Staff Liaison
T. Hoyle, Councillor
K. Royer, NPCA Representative

1. Call to Order

Mae Lannan, Staff Liaison, acting as Interim Chair called the meeting to order at 6:01 p.m.

2. Nominations of Chair

Moved By Ryan Waines
Seconded By Jack Hellinga

Nomination of Amanda Smits to the position of Committee Chair.

Carried

3. Nominations of Vice Chair

Moved By Jack Hellinga
Seconded By Norbert Gieger

Nomination of Ryan Waines to the position of Committee Vice Chair.

Carried

4. Adoption of the Agenda

Moved By Tim Lamb

Seconded By Norbert Gieger

That the agenda dated September 13, 2023, be accepted as circulated.

Carried

5. Disclosures of Interest

Nil.

6. Approval of Minutes

Moved By Tim Lamb

Seconded By Jack Hellinga

That the minutes of July 12, 2023, be accepted as written.

6.1 Regular Environmental Advisory Committee Meeting - July 12, 2023

7. Staff Updates

7.1 Urban Forest Management Plan Update

The Urban Forest Management Subcommittee was established to include Tim Lamb, Katherine Klauck, and Amanda Smits. This subcommittee will review the draft Urban Forest Management Plan and provide comments back to Staff.

7.2 Electric Vehicle Charging Station Update

The committee discussed the City's current electric vehicle charging station strategy, and potential options for the future.

8. Order of Business

8.1 Strategic Plan 2023-2026

Staff provided clarification on goals and measures included in the City's Strategic Plan, specifically related to parks and resilient infrastructure.

9. New Business

9.1 Committee Workplan

The committee began drafting a workplan for the 2024 calendar year.

9.2 Stormwater Management Report

Moved By Jack Hellinga

Seconded By Norbert Gieger

That the report on stormwater challenges be circulated to the Public Works Infrastructure Division.

Carried

10. Adjournment

The Chair adjourned the meeting at approximately 7:32 p.m.

The next EAC meeting will be on Wednesday November 8, 2023 at 6 p.m.

Chair

Staff Liaison

Members Present: Luke Brazeau, Chair
Cheryl MacMillan, Committee Member
Eric Beauregard, Committee Member
Gary Hoyle, Committee Member
Bonnie Schneider, Committee Member

Staff Present: Chris Roome, Planner
Michelle Mason, Curator

1. Call Meeting to Order

The Chair called the meeting to order at approximately 6:00 pm.

2. Disclosures of Interest

Nil.

3. Adoption of Agenda

4. New Business

The Chair requested that the heritage page on the website be update as some of the contact and member info was incorrect.

5. Staff Updates

The Committee discussed the status of the heritage designation project and the Planner provided an update.

Member Beauregard expressed concerns over worthy properties that did not reach out and express interest in designation.

The Planner stated it becomes a matter of time and resources to pursue properties that do no want designation and that it would make more sense to focus on the properties that have reached out.

The Chair asked the Committee if any member had previous experience researching properties.

Member Hoyle stated that he had experience.

The Planner identified the interested properties to the Committee.

Member Beauregard expressed interest in having staff research the properties rated a '10s' on the rating list.

Member Beauregard proposed a motion that the heritage committee recommends to Council that Staff investigate the heritage significance of the properties that have shown interest in a designation. Furthermore, the Committee recommends that Staff investigate the heritage significance of properties rated 10 on the Heritage Registry.

Seconded by Member MacMillan.

Carried 4-0

6. Approval of Minutes

That the minutes from the August 21, 2023, Heritage Advisory Subcommittee meeting be approved.

Motion: Member Schneider Seconded: Member MacMillan

Carried: 4-0

7. Adjournment

There being no further business, the meeting was adjourned at approximately 6:45 pm.

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to adopt amendment no. 13 to the
Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Therefore the Council of The Corporation of the City of Port Colborne under Section 17(22) of the Planning Act, hereby enacts as follows:

1. That Official Plan Amendment No. 13 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That the City Clerk is hereby authorized and directed to forward the adopted Official Plan Amendment 13 to the Regional Municipality of Niagara for final approval of the aforementioned amendment to the Official Plan for the Port Colborne Planning Area.
3. That this By-law shall come into force and take effect upon the final approval of Official Plan Amendment 13, by the Council of the Regional Municipality of Niagara.

Enacted and passed this ____ day of _____, 2023.

William C Steele
Mayor

Saima Tufail
Acting City Clerk

AMENDMENT NO. 13
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA

PREPARED BY:
CITY OF PORT COLBORNE DEPARTMENT OF
DEVELOPMENT AND LEGISLATIVE SERVICES

November 2023

**AMENDMENT NO. 13
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

**AMENDMENT NO. 13
TO THE OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 13 to the Official Plan for the City of Port Colborne.

Date: _____

**AMENDMENT NO. 13 TO THE OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

INDEX

The Statement of Components

Part A – The Preamble

Purpose

Location

Basis

Part B – The Amendment

Introductory Statement

Details of the Amendment

Implementation & Interpretation

Part C – The Appendices

1. Department of Planning and Development Report

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, consisting of the following text and Schedule “A”, constitutes Amendment No. 13 to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of this amendment is to add a Special Policy Area to permit the proposed Port Colborne Quarries Inc. – Pit 3 Expansion. The amendment also includes amendments to Schedule A – City-Wide Land Use, Schedule B – Natural Heritage, Schedule B1 – Environmental Protection Area, Schedule B2 – Environmental Conservation Area, and Schedule C – Mineral Aggregate and Petroleum Resources.

Location

The lands affected by this amendment are legally described as Part of Lots 17, 18 and 19, Concession 2, formerly in the Geographic Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara. A detailed map of the subject lands is attached as Schedule “A” to this Official Plan Amendment No. 13.

Basis

- a) The Amendment was the subject of a Public Meeting held under the Planning Act, 1990 on March 7, 2023. Public and agency comments were addressed as part of the preparation of this Amendment.
- b) The Amendment will allow the Council of the City of Port Colborne to make a decision on the rezoning from Agriculture to Mineral Aggregate Operation and subsequently allow the Minister of Natural Resources and Forestry to make a decision to issue a quarry license under the Aggregate Resources Act.
- c) Based on the City's review of the Planning Act, 1990, the Provincial Policy Statement (2020), the Growth Plan (2020), the Regional Official Plan, the City's Official Plan and public and agency consultation, City staff is of the opinion that the Amendment is consistent, or does not conflict, with Provincial, Regional policies and City policies plans and, therefore, represents good planning.

Currently, the subject lands are designated “Agricultural”. An application has been made to initiate amendments to the City of Port Colborne's Official Plan and Zoning By-law as they relate to these lands in order to facilitate the development of 114 residential stacked townhouse dwelling units. The proposed density is 87.3 units per hectare.

The proposed development provides an opportunity for residential intensification at a location that is serviced by existing services and infrastructure. The subject lands are surrounded by residential, commercial and institutional land uses making them a highly suitable location for the proposed intensification.

It is intended to concurrently approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing "CP- Commercial Plaza" zone to "R4-72-H – Site-specific Fourth Density Residential Zone with Holding (H) provision". The proposal is consistent/conforms with:

- The Provincial Policy Statement (2020) by promoting growth within a settlement area;

- A Place To Grow (2020) by contributing to the minimum intensification targets and utilizing existing municipal services;
- Niagara Official Plan through the promotion of growth in urban areas; and
- Port Colborne Official Plan by introducing residential uses at an appropriate location, while meeting the City's intensification target and promoting growth within the Built-Up Area.

PART B - THE AMENDMENT

Introductory Statement

All of this part of the document entitled Part B – The Amendment, consisting of the following text and map designated Schedule “A”, constitutes Amendment No. 13 to the Official Plan for the City of Port Colborne.

The Official Plan for the Port Colborne Planning Area is hereby amended as follows:

Details of the Amendment

1. That lands shown on "Schedule A to Official Plan Amendment No. 13", shall consist of the following Schedule changes:
 - a) Change the land use designation from Agricultural to Mineral Aggregate Operation on Schedule A: City-Wide Land Use.
 - b) Add on Schedule A: “City-Wide Land Use”:
 - the refined limits of the evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and threatened species (0.6 hectare Blanding’s Turtle habitat compensation area) as ECA (Environmental Conservation Area).
 - Updated final location of the EPA (Environmental Protection Area) following the conclusion of the Wignell Drain realignment report. Any further refinement to the final location of the EPA associated with the natural hazard lands will not require an amendment to the Official Plan.
 - c) Add on Schedule B: “Natural Heritage”:
 - the refined limits of the evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and threatened species (0.6 hectare Blanding’s Turtle habitat compensation area) as ECA (Environmental Conservation Area).
 - d) Add on Schedule B1: “Environmental Protection Area”:
 - Updated final location of “Streams” and “Natural Hazard Lands” following the conclusion of the Wignell Drain realignment report. Any further refinement to the final location of the “Streams” and “Natural Hazard Lands” will not require an amendment to the Official Plan.
 - e) Add on Schedule B2: “Environmental Conservation Area”:
 - the refined limits of the evaluated, non-significant wetlands and 30 metre buffer as “Non-Provincially Significant Wetlands”;
 - the significant woodland and 10 metre buffer as “Significant Woodlands”.
 - the habitat of endangered and threatened species (0.6 hectare Blanding’s Turtle habitat compensation area) as “Significant Wildlife Habitat”.
 - Updated final location of the “Fish Habitat” and “Streams” following the conclusion of the Wignell Drain realignment report. Any further refinement to the final location of the “Fish Habitat” and “Streams” will not require an amendment to the Official Plan.
 - f) Add the subject lands to Schedule C: Mineral Aggregate and Petroleum Resources as a Mineral Aggregate Operation.

2. Notwithstanding Section 10 of the Official Plan for the City of Port Colborne,

the lands referenced on Schedule “A” of this amendment be permitted to be developed as a Mineral Aggregate Operation and the following Special Policy be added:

- An expansion to the existing Port Colborne Quarries Inc. quarry is permitted and referred to as Pit 3 Extension being eastwardly on approximately 100.2-hectare site located on the lands bounded by Regional Road 84 (Miller Road), Provincial Highway 3 (Main Street East) and Second Concession Road, on Part Lot 17, 18, 19 Concession 2 and Plan 59R-16702 in the City of Port Colborne.

Implementation and Interpretation

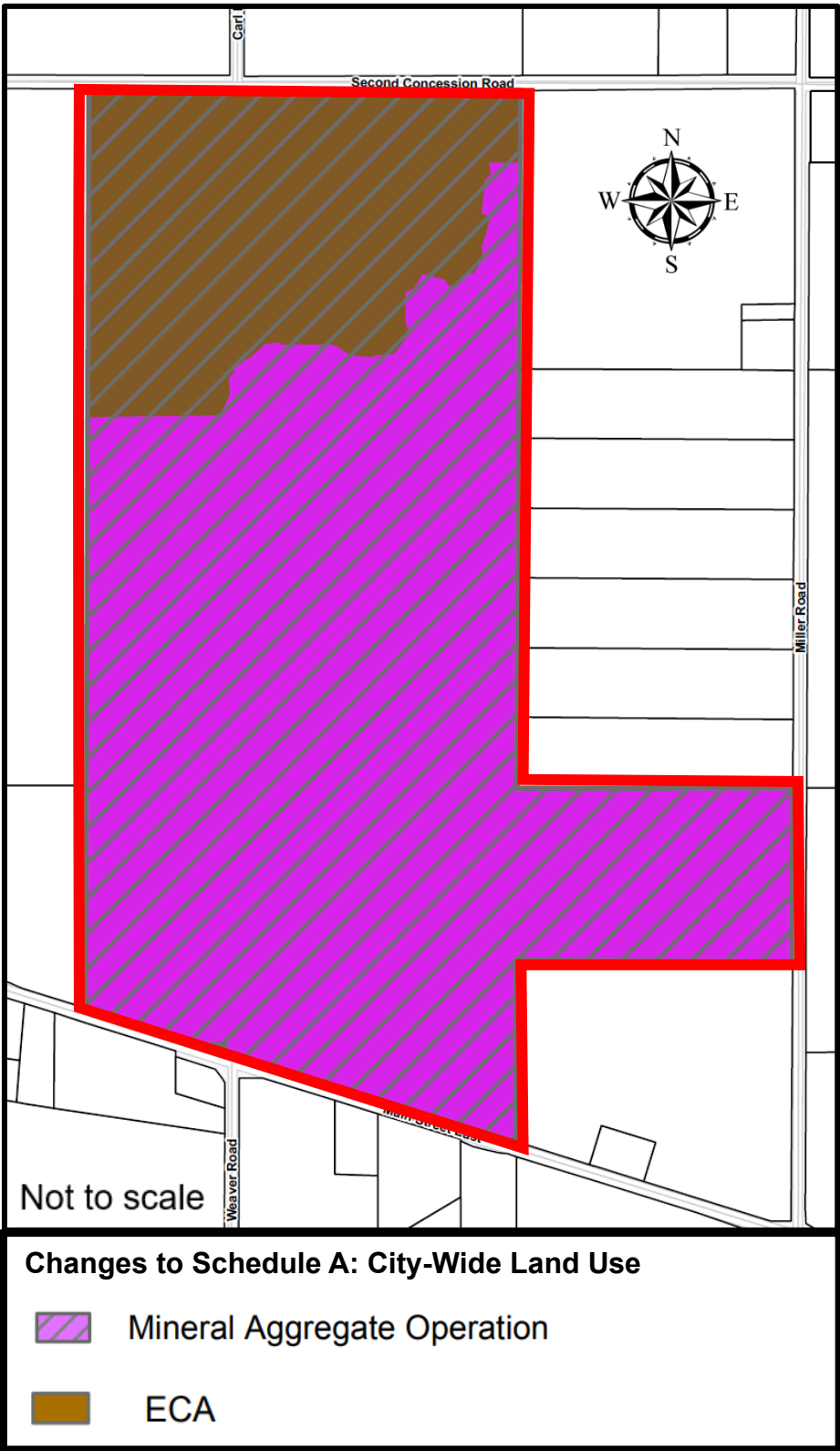
The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

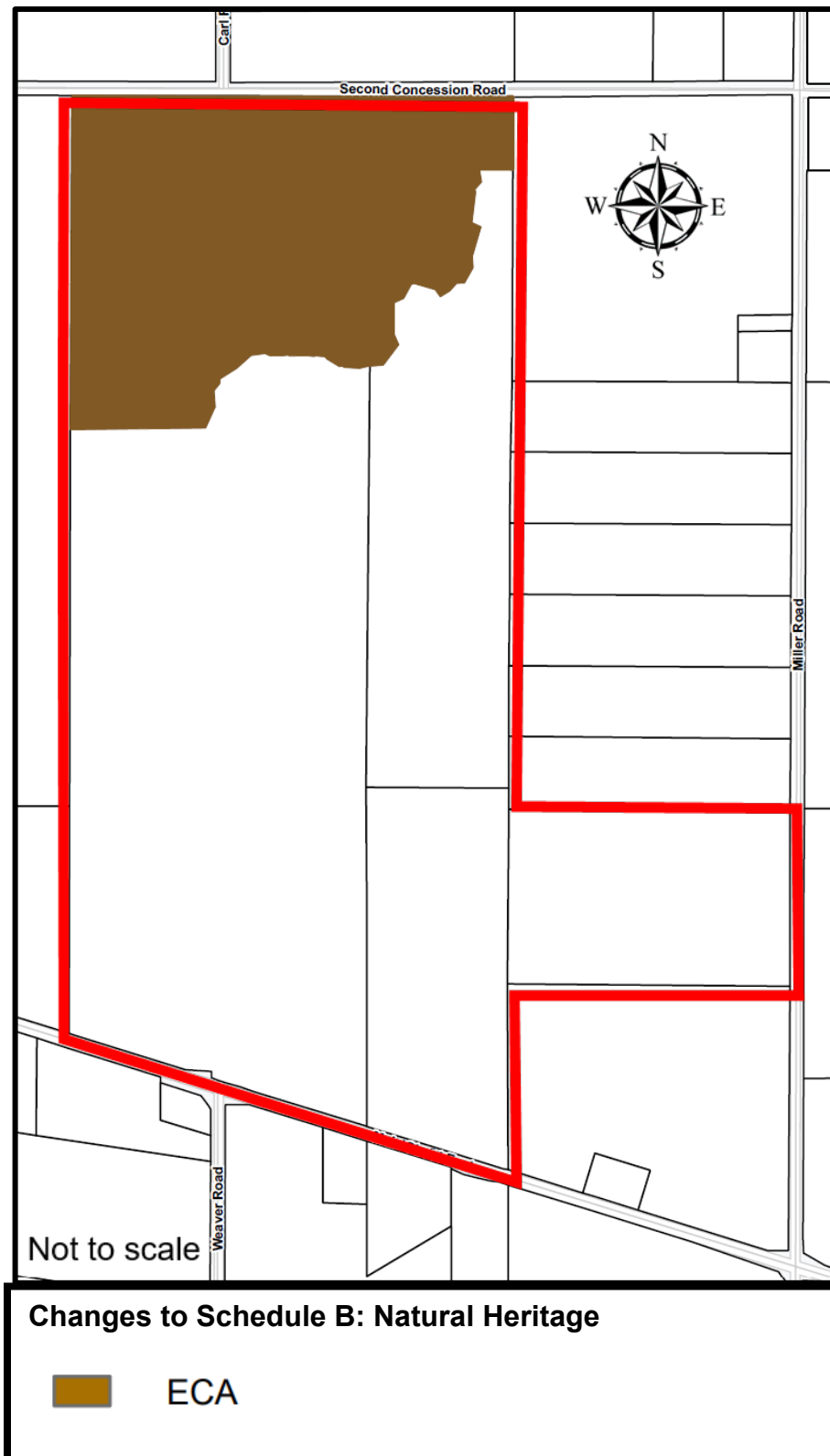
PART C – THE APPENDICES

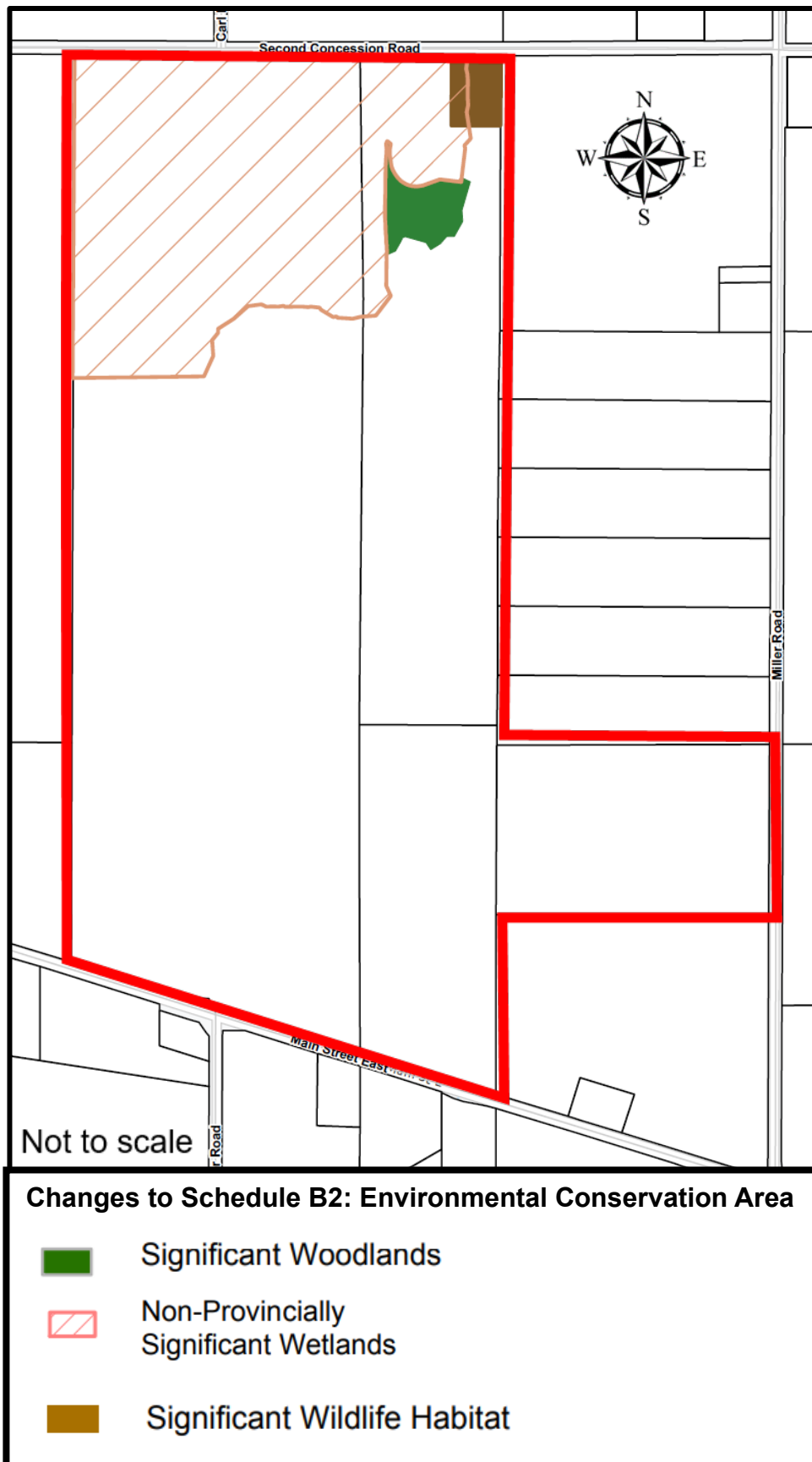
The following appendices do not constitute part of Amendment No. 13 but are included as information to support the Amendment.

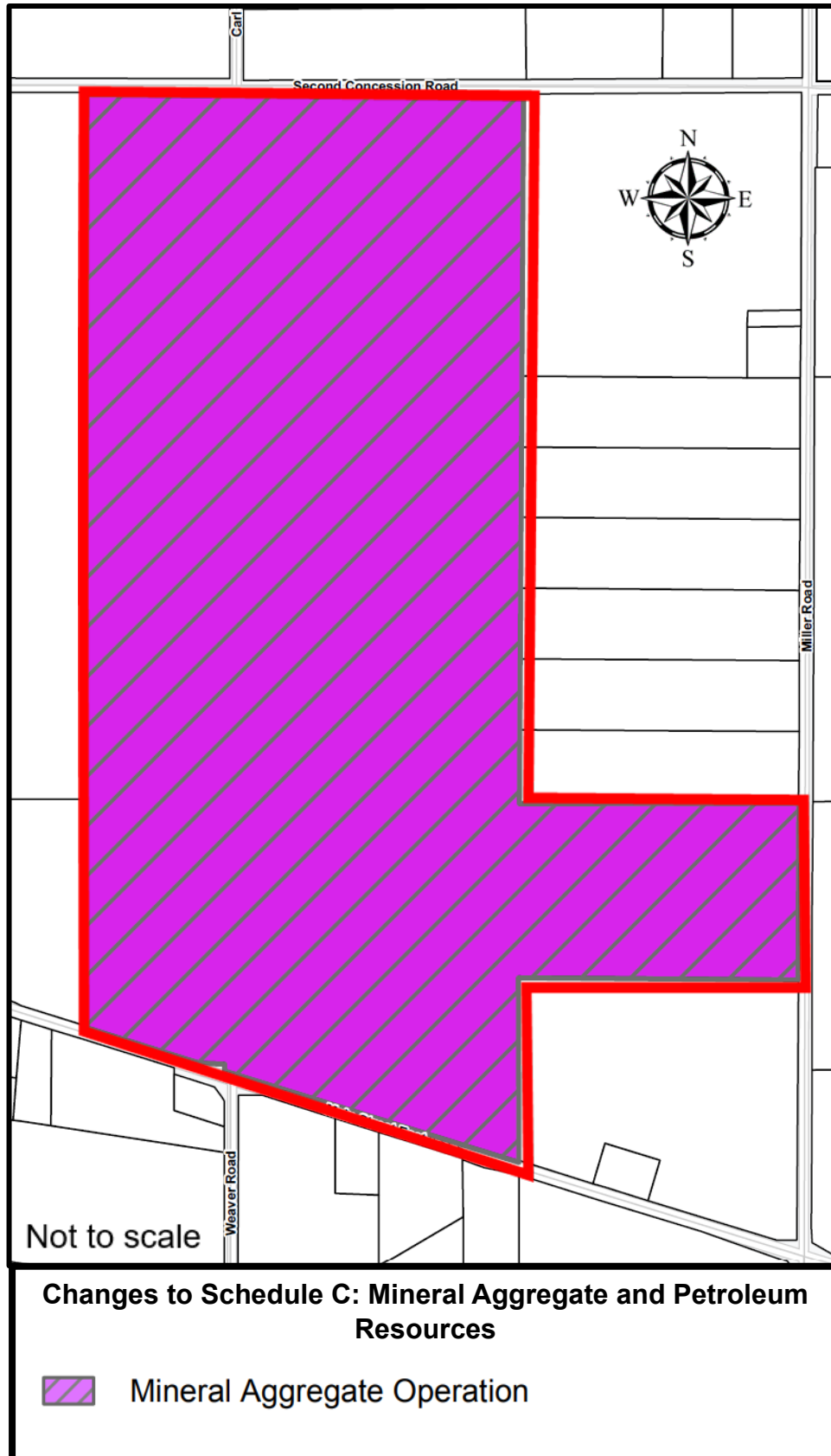
APPENDIX I – Department of Development and Legislative Services Report 2023-229

Schedule “A” to Official Plan Amendment No. 13.









The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lots 17, 18 and 19, Concession 2, formerly in the Geographic Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A4” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Agriculture (A) to Mineral Aggregate Operation – Special (MAO-75) and refine the limits of the Environmental Conservation Overlay in accordance with the final Environmental Impact Study.
3. That the Zoning Map referenced as Schedule “A5” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Agriculture (A) to Mineral Aggregate Operation – Special (MAO-75) and refine the limits of the Environmental Conservation Overlay in accordance with the final Environmental Impact Study.
4. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby amended by adding the following:

MAO-75 (Mineral Aggregate Operation – Special)

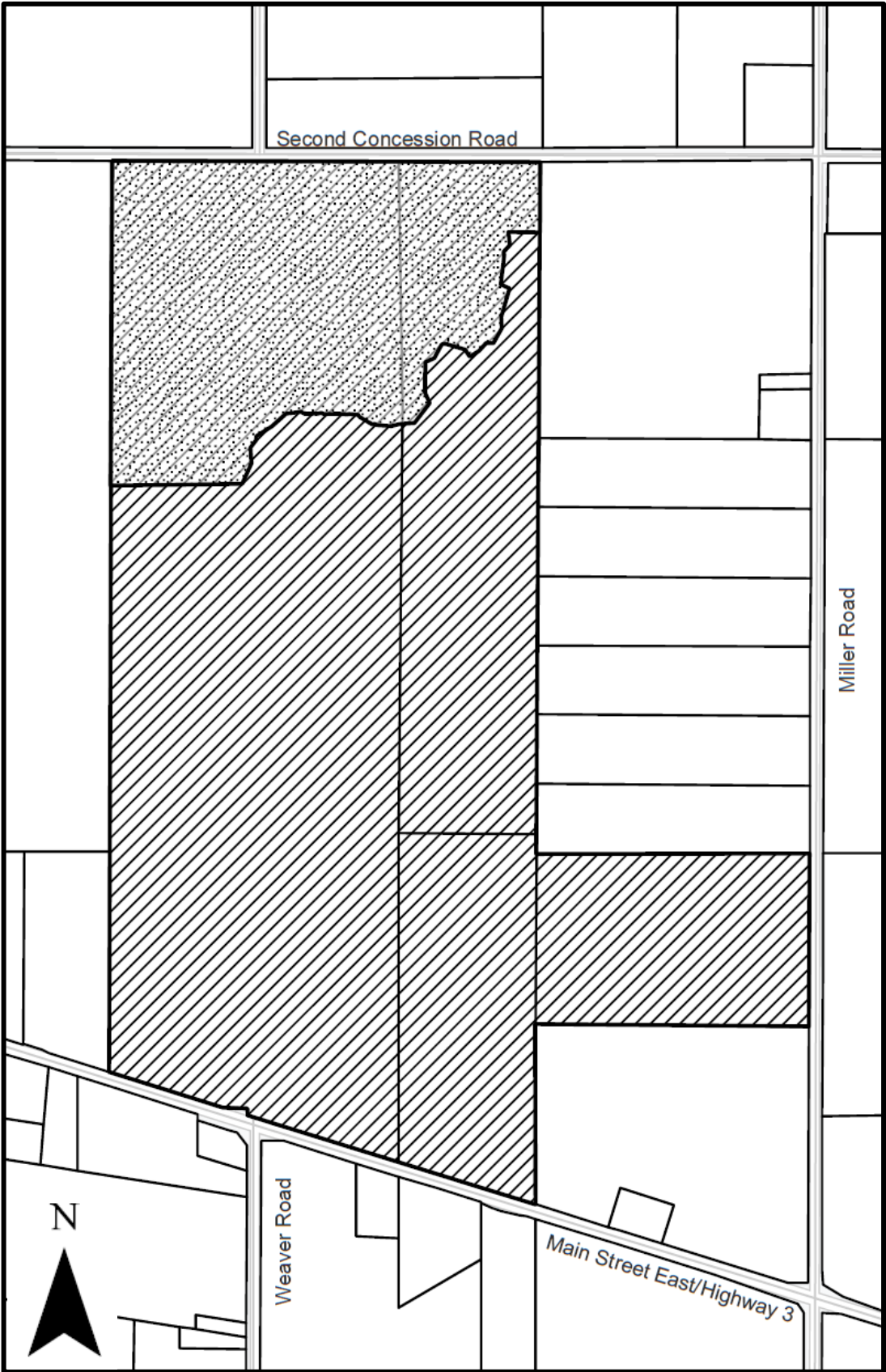
Notwithstanding the provisions of section 28.3 of the Mineral Aggregate Operation (MAO) Zone, the following regulations shall apply:

- a) No pit, quarry or excavation shall be made or established within 15 metres of any lot line which does not abut a public street or 30 metres of any lot line which abuts a Provincial Highway or 30 metres of any lot line which abuts any other public street.
5. This by-law shall come into force and take effect upon the final approval of Official Plan Amendment 13.
6. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the Planning Act.

Enacted and passed this _____ day of _____, 2023.

William C Steele
Mayor

Saima Tufail
Acting City Clerk



Legend



Lands to be rezoned to MAO-75



Lands to be rezoned to
Environmental Conservation
Overlay

This is Schedule A to By-law _____
passed this _____ day of _____, 2023

Port Colborne Quarries Pit 3 Expansion
Zoning By-law Amendment File No. D14-09-21
November 2023 – Not to scale

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Stop Up and Close for the laneway between Jefferson Avenue and Homewood Avenue described as the public highway lying between Jefferson Avenue (west) and Homewood Avenue (east) north of Sugarloaf Street

WHEREAS at its meeting of November 14, 2023, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of Chief Administrative Officer Report No. 2023-210, Subject: Stop up and Close By-law for the public highway between Jefferson Avenue and Homewood Avenue described as the public highway lying between Jefferson Avenue (west) and Homewood Avenue (east) north of Sugarloaf Street; and

WHEREAS Section 27(1) of the *Municipal Act, 2001*, provides that, except as otherwise provided in the Act, a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway; and

WHEREAS it is deemed expedient in the interest of The Corporation of the City of Port Colborne that the road allowance set out and described in this by-law be stopped up and closed; and

WHEREAS in accordance with Section 34(1) of the *Municipal Act, 2001* and By-law 4339/12/03 of the Corporation of the City of Port Colborne, Being a By-law to Prescribe the Form and Manner and Times for the Provision of Notice in Accordance with the *Municipal Act, 2001*, public notice of Council's intention to permanently close the highway set out and described in this by-law was provided; and

WHEREAS no person claiming their lands will be prejudicially affected by the by-law applied was heard by the Council of the Corporation of the City of Port Colborne at the meeting held by the Council for that purpose on Tuesday, October 3, 2023.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That upon and after the passing of this by-law all that portion of the road allowance described as between Jefferson Avenue and Homewood Avenue described as the public highway lying between Jefferson Avenue (west) and Homewood Avenue (east) north of Sugarloaf Street is hereby stopped and closed.
2. That the Mayor, the Acting City Clerk be and are hereby authorized to execute any documents that may be required for the purpose of carrying out the intent of this by-law and the Clerk is duly authorized to affix the Corporate Seal thereto.
3. That the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office to effect the closing of laneway between Jefferson Avenue and Homewood Avenue described as the public highway lying between Jefferson Avenue (west) and Homewood Avenue (east) north of Sugarloaf Street hereinbefore described.
4. This by-law shall take effect on the day that a certified copy of the by-law is registered in the proper Land Registry Office.

Enacted and passed this 14th day of November, 2023.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

The Corporation of the City of Port Colborne

By-Law No. _____

Being a by-law to adopt, ratify and confirm
the proceedings of the Council of The
Corporation of the City of Port Colborne at
its Regular Meeting of November 14, 2023

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of
a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal
power, including a municipality's capacity rights, powers and privileges under section
9, shall be exercised by by-law unless the municipality is specifically authorized to do
otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The
Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne
enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne
taken at its Regular Meeting of November 14, 2023, upon which a vote was
taken and passed whether a resolution, recommendations, adoption by
reference, or other means, is hereby enacted as a by-law of the City to take
effect upon the passing hereof; and further
2. That the Mayor and Clerk are authorized to execute any documents required
on behalf of the City and affix the corporate seal of the City and the Mayor and
Clerk, and such other persons as the action directs, are authorized and
directed to take the necessary steps to implement the action.

Enacted and passed this 14th day of November, 2023.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk