





ST MARYS CEMENT INC.

St. Marys Cement Inc.  
55 Industrial Street  
Toronto, Ontario  
M4G 3W9

January 4, 2010

[REDACTED]

Ref: [REDACTED]

RR #2  
Campbellville, ON  
L0P 1B0

**Re: St. Marys Cement Inc. (Canada) - Proposed Flamborough Quarry  
Part of Lot 1 and Lots 2 and 3, Concession 11  
Formerly Township of East Flamborough, City of Hamilton**

Dear [REDACTED],

#### List of Unresolved Objections

The following is the list of the unresolved objections stated in the correspondence we received from you:

1. Unacceptable Impacts on the Water Supply and Water Quality
2. Destruction of the Natural Environment in our Greenbelt
3. No acceptable Haul Routes and Public Safety at Risk
4. Permanent Loss of Farm Land
5. The Land is not Zoned For Mineral Extraction under the Official Plan
6. Property Values
7. Effects on the Local Economy

#### Documentation of Attempts to Resolve Objections

A license to extract aggregate on this site is required from the Ontario Ministry of Natural Resources which will control the on-site activities of the operation. An information session for the license, as required in the Provincial Standards, was held on April 27, 2009 at the Waterdown Legion Hall in Waterdown. At this meeting, the details of the proposal were presented, along with the detailed studies which have been completed in support of this application.

Recommendations in each of the technical reports contained in the Summary Report submitted to the Ministry of Natural Resources in support of this license application were incorporated on the site plans in order to minimize any adverse impacts on the environment, e.g. ground and surface water, natural environment features, noise, dust, etc., on and surrounding this site. The technical studies and recommendations made in the Summary Report are also submitted and reviewed by several local and provincial regulatory agencies as required in the *Aggregate Resources of Ontario Provincial Standards*.

The site plan, which will regulate the proposed operations including maximum depth of extraction, extraction setbacks, direction of extraction, proposed perimeter fencing and berms for visual screening and noise attenuation, as well as progressive and final rehabilitation of the site, has been developed so that the site can be operated within the limits set out in all applicable provincial legislation and guidelines.

The Ministry of Natural Resources is responsible for ensuring that every operator of a licensed pit or quarry complies with their site plan.

### **Applicant's Recommendations for Resolving Objections**

In October of 2009 we mailed you a letter (copy attached) which explained how the proposal has addressed the issues raised in your letter of objection. We hope that you agree, and if you do, we would appreciate your confirmation in a short note stating that your concerns have been addressed. If, however, you remain unconvinced, then you should carefully follow the steps described below.

### **Notice of 20 Day Response Period for Objectors**

Under the *Aggregate Resources of Ontario Provincial Standards Version 1.0* (AROPS), developed for the Aggregate Resources Act, the applicant is responsible for attempting to resolve objections to a license application. Our attempts to address your concerns are outlined above.

Should you still have outstanding issues, you are required to respond in writing to **identify remaining concerns** and also to **provide suggestions or recommendations** that may help us to resolve your objections.

Per Section 4.3.3.2 of the Provincial Standards, your response must be delivered personally or by registered mail within 20 days of receipt of this letter to both OMNR and the applicant (at the addresses provided below). If no response is received from you by February 1, 2010, it will be deemed that there is no longer an objection.

### **Contact Information:**

St. Marys Cement Inc. (Canada)  
Attention: Melanie Horton  
55 Industrial Street  
Toronto, Ontario M4G 3W9  
communityinfo@stmaryscbm.com  
Phone: 1-866-602-0080

Ontario Ministry of Natural Resources  
Attention: Diane Schwier  
1 Stone Road West  
Guelph, Ontario N1G 4Y2  
diane.schwier@ontario.ca  
Phone: 519-826-4930  
Fax: 519-826-4929

This letter is our response to your objection letter. I hope we have addressed your concerns. If you would like to discuss this further or review our studies, please feel free to visit the St. Marys web site for more information on the company (<http://www.stmaryscement.com>) or contact me at our community information line, toll-free at 1-866-602-0080. Alternatively, this information is also available for review at the MNR and municipal offices.

Sincerely yours,

ST. MARYS CEMENT INC.



MELANIE HORTON, MCIP, RPP  
Director, Land and Resources

Encls: *Notice of Objector Response Form*  
*St. Marys Letter of October 2009*

c.c. Ontario Ministry of Natural Resources



ST MARYS CEMENT INC.

*St. Marys Cement Inc.*  
55 Industrial Street  
Toronto, Ontario  
M4G 3W9

October 27, 2009

[REDACTED]

Ref: [REDACTED]

RR #2  
Campbellville, ON  
LOP 1B0

**Re: St. Marys Cement Inc. (Canada) - Proposed Flamborough Quarry  
Part of Lot 1 and Lots 2 and 3, Concession 11  
Formerly Township of East Flamborough, City of Hamilton**

Dear [REDACTED],

Thank you for your letter, in which you expressed your objection to the proposed Flamborough Quarry. We very much appreciate the time you took in sharing your perspective with us.

In this letter, we are providing context for the actions taking place, as we seek approvals to establish the quarry, and the steps going forward.

#### **Aggregate Resources Act Requirements**

A license to extract aggregate on this site is required from the Ontario Ministry of Natural Resources (OMNR) which will control the on-site activities of the operation. An information session on the license application, as required in the Provincial Standards, was held on Monday, April 27, 2009 from 4 -9 p.m. at the Waterdown Legion Hall in Waterdown. At this meeting, the details of the proposal were presented, along with the detailed studies which have been completed in support of this application.

Recommendations in each of the technical reports, contained in the Summary Report submitted to the Ministry of Natural Resources in support of this license application, were incorporated in the site plans in order to minimize any adverse impacts on the environment, e.g. ground and surface water, natural environment features, noise, vibration, etc., on and surrounding this site.

St Marys' objective at this site, and at all of the sites in which we operate, is to absolutely minimize impacts on both the environment and the community. We have made great strides in maintaining residents' quality of life in the communities in which we operate, and that is our plan for Flamborough.

## **Review by Other Independent Experts**

The technical studies and recommendations made in the Summary Report are also submitted and reviewed by several local and provincial regulatory agencies as required in the *Aggregate Resources of Ontario Provincial Standards*. Technical studies on traffic are being completed under the zone change application before the City of Hamilton. Copies of all these reports are available for review online at [www.flamboroughquarry.ca](http://www.flamboroughquarry.ca).

## **Strict Rules on Quarry Operation**

The site plan conforms to strict rules, which will regulate the proposed operations. These rules cover, among other things, maximum depth of extraction, extraction setbacks, direction of extraction, proposed perimeter fencing and berms for visual screening and noise attenuation, as well as progressive and final rehabilitation of the site.

The site plan has been developed to ensure St Marys operates within the limits set out in all applicable provincial legislation and guidelines. Further, the Ministry of Natural Resources ensures that every operator of a licensed pit or quarry complies with their site plan.

## **Your Specific Concerns**

The following points were raised in your correspondence and our response follows.

### **Impacts on Water Quality and Supply**

As you mentioned, St Marys consulting team identified early on in the investigation of this site that dewatering of the proposed quarry could have an impact on the surrounding area. This is not unusual for quarries in Ontario where the norm is to dewater the excavated area. As a result, the consulting hydrogeologists (groundwater experts) and hydrologists (surface water experts) have done further extensive studies and testing to address the potential impacts of the quarry on groundwater and surface water.

The studies required to assess impacts and design mitigation measures are all reviewed and permits are required by the appropriate government agency. The tests reporting results have been overseen by a number of agencies and other hydrogeologists retained by various agencies to check our consultants' work. This is an ongoing process which will continue through the review of the application and on through the refinement and monitoring of the mitigation during extraction.

These studies and tests have led St Marys to the current plan, which is to pump excess water from the quarry into a ring of wells around the perimeter of the excavation to maintain the groundwater elevation at its present levels. Any excess water may be used to enhance flow in local creeks. When quarrying is complete, the excavation will fill with water to form a lake at which time it is expected that the groundwater will be re-established naturally and the pumps will no longer be required. Pumping will, however, be maintained until this is confirmed.

The details of this process will be developed, confirmed, and adjusted throughout the life of the quarry in what is referred to as an *adaptive management plan* which will ensure that the

recycling system is maintaining groundwater levels to support the natural features surrounding the site and surrounding wells.

As we mentioned previously, dewatering of quarries is normal in Ontario and St. Marys and its consultants have extensive experience in planning and operating quarries. Groundwater recharge wells and infiltration trenches, which are two viable options for this proposal, are proven technologies which have been used successfully elsewhere.

In the unlikely event that the quarry affects area drinking water, St. Marys would be responsible for providing water to any affected resident.

### **Possible Threats to the Natural Environment**

The Flamborough site is characterized by a variety of land cover types, including natural features such as forests and wetlands, and open fields which are currently cultivated. Of the ±158 Ha (390 acres) area included in the license application, 66 Ha (163 acres) or about 40%, is within the area proposed for extraction. The lands adjacent to the proposed extraction area contain the natural features of the site including the forests, wetlands, streams, and wildlife habitat. These areas will remain undisturbed.

Our intent is to maintain the groundwater and soil moisture conditions to support the forests, wetlands and the indigenous wildlife of the site. The groundwater mitigation plan has this as one of its primary objectives, and a comprehensive monitoring program will allow for regular checks to ensure the success of the program.

There will be disturbance within the 40% of the site proposed for quarrying during the operation. The plan shows enhancement sites which are proposed to create improved conditions within the protected area, including a proposed nursery for native plants which would be transplanted from the area which is proposed for the quarry.

The normal operation of quarries (noise, blasting, processing, trucking, etc.) may have a temporary effect on area wildlife. Operational practices that restrict such activities to daylight hours will ensure that noise impacts are minimal during important periods for wildlife.

Progressive rehabilitation of the side slopes will provide meadow areas which will provide new habitat until the extraction is complete and the quarry fills with water.

The major site features, corridors and connectivity of the natural features of the site are expected to remain essentially unchanged or improved.

When the quarry is complete, the plan calls for the creation of a large groundwater-fed lake in the centre of the property along with the reforestation of side slopes, and the creation of productive wetland edges to support a diverse aquatic ecosystem. We would expect that this will attract new species to the area or provide increased and improved habitat for existing species.

## **Haul Routes and Public Safety**

There are several potential haul routes being reviewed as a part of the municipal approval process. The transportation study seeks to identify the route that will result in the least disturbance to the community and to provide recommended improvements to facilitate the safe, efficient movement of all road users along the route. Several ideas to achieve these goals have been presented at public information meetings, but there will be additional opportunities for input from both the public and the appropriate government agencies before any changes to road features are confirmed.

When the haul route study recommends a preferred route, there may be some adjustments required in the site plans. These can be done as part of the review process prior to submission of the license. The Aggregate Resources Act only governs operations within the licensed boundary.

## **Permanent Loss of Farm Land**

The Agricultural Report prepared by Stovel and Associates Inc. (June 2004) and the Soil / Agricultural Mapping Update prepared by Conna Consulting Inc. (July 2008) report on the details of various soil surveys completed for the subject lands. The majority of soils on the subject property were found to have developed from a stony, morainal till deposit. Outwash deposits, lacustrine deposition and organic soils were also identified. Specifically, seven soil series were identified on the site.

The Agricultural Report prepared by Stovel and the Soil / Agricultural Mapping Update prepared by Conna confirm that the lands proposed for the Flamborough Quarry are not considered to be prime agricultural lands in a prime agricultural area. These reports confirm that 92.5 % of the subject lands are comprised of Class 4-7 plus organic soil and the remaining 7.5 % is comprised of fragmented and scattered pockets of Class 2 and 3 soils. The subject lands are predominantly wooded and not in crop production, reflecting this low level soil capability. Since the proposed St. Marys Flamborough Quarry lands are not considered to be prime agricultural lands, considering rehabilitation for agricultural uses is not applicable. Furthermore, agricultural rehabilitation is not feasible in this case because of the proposed underwater extraction and depth of extraction at the site. The proposed rehabilitation plan will result in the creation of a lake with neighbouring wetlands and forested areas. Through rehabilitation, this quarry will be transformed from agricultural use into a wildlife habitat, wetland, and conservation area for future generations to enjoy.

## **Official Plan and Zoning By-Law**

The Official Plan Amendment and Zoning By-Law Amendment process is separate from the ARA License Process. The Aggregate Resources Act requires that before a license can be issued by the Minister of Natural Resources, the property must be zoned to permit the operation of a quarry. The responsibility for planning approvals, including the required zoning approval, resides with the City of Hamilton.

Applications to amend the Official Plan and Zoning Bylaw were submitted in September 2004 by the previous owners of the property. The planning documents which apply to the applications

are the Regional Plan for Hamilton-Wentworth and the Official Plan and Zoning Bylaw for the Town of Flamborough.

When the planning applications were submitted, the municipality confirmed that an amendment to the Regional Plan is not required.

An Official Plan Amendment is required to redesignate the subject lands from “Rural” to “Extractive Industrial” in the Town of Flamborough Official Plan. The Town of Flamborough Official Plan designates the property as “Rural Area” and also identifies part of the property as “Mineral Aggregate Resource Lands”. The “Mineral Aggregate Resource Area” identification for the subject lands is intended to recognize significant aggregate areas in the Town of Flamborough, and provides protection of the lands from incompatible land uses, to provide for the establishment of future extractive operations. The proposal to amend the Town of Flamborough Official Plan to permit the St. Marys Flamborough Quarry conforms to the objectives and policies in the Flamborough Official Plan and is therefore appropriate from a planning perspective.

The St. Marys Flamborough Quarry lands are zoned Agricultural (A) and Conservation Management (CM) in the Town’s Zoning By-Law. An amendment to the Zoning By-Law is required to zone these lands “Extractive Industrial” (EI) to permit the St. Marys Flamborough Quarry. This application has been submitted to the City of Hamilton.

### **Responding to Future Concerns**

You have asked a few questions concerning the ongoing process of responding to concerns, some of which are part of the Municipal (Zoning and Official Plan amendment process). St. Marys is committed to gathering appropriate information and we are also committed to sharing information about the project with the community. We understand that as additional questions and concerns arise, there is a need for ongoing dialogue with the community.

### **Maintaining Property Values**

We are not aware of any specific studies of real estate values near quarries in Ontario. There is an older study which looked at real estate values near proposed landfills. It suggested that values decreased with the announcement of the proposal and through the approval process, as people were concerned about the unknown. Values returned once the landfill was in operation and people could actually experience the activity. This is consistent with what many people tell us, that the actual operation of the pit or quarry does not result in the anticipated reduction in property values. In some cases, a property value protection program may further guarantee this.

### **Enhancing the Local Economy**

There is a direct effect of the quarry on the municipal tax base. Quarries are industrial land uses and generally pay a much higher tax rate than agricultural or residential lands. Quarries also pay an annual tonnage levy, part of which goes to the OMNR to help fund monitoring and enforcement, and part to the Municipality. A quarry such as this one also provides employment, supports local businesses, and provides low cost/high quality construction material to surrounding communities. This injects million of dollars annually into the local economy.

## Conclusion

St. Marys Cement is an experienced operator with a good track record. Site management, environmental protection, safety, and timely rehabilitation are important parts of St. Marys' day to day business. We endeavour to be a good neighbour and a helpful neighbour in the communities where we operate. I encourage you to visit the St. Marys web site for more information on the company (<http://www.stmaryscement.com>) or please call our community information line, toll-free at 1-866-602-0080.

This letter is our response to the objections expressed in the FORCE letter, which you sent to us by email or regular mail. I hope that we have answered some questions and addressed your concerns. Please take some time to review and think about our responses.

Within the next couple of weeks, we will be sending the official "20-day response letter" by registered mail. This is a requirement of the Aggregate Resources Act. In addition to the responses outlined in this letter, your registered letter will explain the specific requirements of the Act. We are sending this letter now, so that you have some additional time to respond beyond the 20 days set out in the Aggregate Resources Act.

If we have satisfied your concerns, we would appreciate receiving a brief letter stating that you no longer object to the application.

Sincerely yours,

ST. MARYS CEMENT INC.



MELANIE HORTON, MCIP, RPP  
Director, Land and Resources

c.c. Ontario Ministry of Natural Resources