



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: March 25, 2024

Report No: DS-018-24

Subject: Update Report: Reid Road Reservoir Quarry - Aggregate Resources Act Licence Application and the Environmental Assessment Process (James Dick Construction Limited).

Recommendation: THAT Development Services Report DS-018-24 Update Report: Reid Road Reservoir Quarry - Aggregate Resources Act Licence Application and the Environmental Assessment Process (James Dick Construction Limited) BE RECEIVED for information.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an update on the Aggregate Resources Act licence application (ARA application) for the Reid Road Reservoir Quarry, submitted by James Dick Construction Limited (JDCL), and the Environmental Assessment currently being undertaken for the proposed quarry.

The Town of Milton, Halton Region and Conservation Halton remain as Objectors to the ARA application. In addition, it should be noted that the Premier of Ontario, the Honourable Doug Ford and former Milton Member of Provincial Parliament (MPP) Parm Gill (resigned January 2024) have also voiced their objection to the proposed quarry.

In July 2021, the Province released Ontario Regulation 539/21 (O.Reg 539/21) requiring JDCL to undertake a scoped Environmental Assessment for the proposed quarry. The Environmental Assessment is currently underway and Town staff has been participating on the Government Review Team (through the Joint Agency Review Team) as a commenting party. In the meantime, the processing of the ARA application is on hold until the Environmental Assessment is complete.

In coordination with staff from Halton Region and Conservation Halton, the Town has been participating on a Joint Agency Review Team for the ARA application review process. The Town of Milton has filed two Letters of Objection to the Ministry of Natural Resources and

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Forestry and the applicant (September 2018 and July 2019). Halton Region and Conservation Halton submitted separate Letters of Objection as well. These letters state that the application has failed to address matters listed in section 12(1) of the ARA and the application in its current state does not constitute good planning and is not in the public interest.

Staff recommends that the Town continue to participate on the Government Review Team (through the Joint Agency Review Team) for the Environmental Assessment process. Once the ARA application process is reinitiated, staff also recommends that the Town continue to participate on the Joint Agency Review Team on future submissions related to the ARA application.

REPORT

Background

ARA Application and the Town's Role

In August 2018, James Dick Construction Limited (JDCL) applied for a licence under the Aggregate Resources Act (ARA) to the Ministry of Natural Resources and Forestry (MNR) to establish a new quarry at the western terminus of Reid Side Road in the Town of Milton. Figure 1 to this Report shows the location of the proposed Reid Road Reservoir Quarry (proposed quarry). The ARA application includes an area of approximately 29.4 hectares (73 acres) of land with an extraction area for sand, gravel and bedrock of approximately 25.7 hectares (63.5 acres). Aggregate recycling is also proposed on the subject lands. The maximum annual tonnage amounts to approximately 990,000 tonnes.

No corresponding Planning Act applications have been filed with Halton Region or the Town of Milton. As a result, the Town of Milton is only a commenting agency to the MNR and Town Council is not the approval authority. Halton Region retained consultants in a variety of fields and have led the technical review of the ARA application through the Joint Agency Review Team (JART) framework, which includes staff from Halton Region, Conservation Halton and the Town of Milton. JART has completed a review of two submissions from JDCL on the ARA application.

In accordance with the ARA requirements, the Town of Milton issued its initial Letter of Objection to JDCL and the MNR in September 2018. This letter outlined the Town's concerns with the ARA application as submitted by JDCL. On December 11, 2018, JDCL

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issued a response letter to the Town's Letter of Objection as required in the ARA. In April 2019, JDCL requested that all objectors either confirm in writing that their objection has been resolved through their individual discussions with JDCL or alternatively that they would like to maintain their objection as their concerns had not been addressed to their satisfaction. On May 15, 2019, the Town of Milton issued another Letter of Objection reconfirming to the MNR and JDCL that the Town continued to object to the application and that the Town's issues with the ARA application had not been resolved. Halton Region and Conservation Halton also separately submitted objections to the ARA application, in accordance with the ARA requirements.

Environmental Assessment Background

On July 25, 2019, previous Member of Provincial Parliament for Milton, Parm Gill, formally requested that the Minister of the Environment, Conservation and Parks (MECP) undertake an Environmental Assessment (EA) of the proposed quarry. Both the Town of Milton and Halton Region Councils supported the request and directed staff to facilitate the EA, if granted by the MECP.

On January 29, 2021, the MECP posted a proposed Regulation on the Environmental Registry of Ontario (ERO) (#019-2876) for the proposed quarry to be subject to a project-specific EA under the Environmental Assessment Act. On March 11, 2021, Halton Region, the Town of Milton and Conservation Halton submitted a joint response to the ERO with recommendations on the scope and requirements for the proposed EA.

On July 30, 2021, the MECP released Ontario Regulation 539/21 (O.Reg 539/21) requiring JDCL to undertake a scoped EA for the proposed quarry. O.Reg 539/21 established the scope of additional studies, review and approvals to be facilitated by the MECP. The MECP invited the Town of Milton, Halton Region and Conservation Halton to participate on a Government Review Team to provide comments and input on technical information submitted by JDCL through the EA process. However, like all other EA processes, the ultimate approval of the EA resides with the MECP.

In response to O.Reg 539/21, the MNR confirmed that the processing of the ARA application is on hold until the EA process is completed.

Government Review Team

As noted above, shortly after O.Reg 539/21 was released, the MECP contacted staff at Halton Region advising that the Ministry would be working with the proponent to identify a

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Government Review Team for the EA process. The MECP invited staff from Halton Region, the Town of Milton and Conservation Halton (members of JART) to participate on the Government Review Team.

The MECP's Code of Practice for Consultation defines the role of the Government Review Team and the responsibilities are as follows:

1. To provide information and guidance, within their mandated areas of responsibility, that the proponent should consider as part of the decision-making process (e.g. legislative requirements, policies, standards, studies and potential evaluation criteria);
2. To provide consistent advice throughout the course of the planning and decision-making process, or provide relevant reasons if their position changes;
3. To suggest modifications to the proposal and documentation that may address concerns;
4. To participate in the MECP review of submissions made for the proposed terms of reference and the EA;
5. To provide comments to the MECP within the specified or regulated timelines for the review of the proposed terms of reference and the EA documentation; and,
6. To identify and confirm environmental effects related to their mandate.

Environmental Assessment Scope and Process

The O.Reg 539/21 establishes the requirements and process for the scoped EA. In this regard, O.Reg 539/21 directs JCDL to undertake the following:

1. Community and Indigenous consultation;
2. Minimum of three (3) public information meetings;
3. Creation of a public project website;
4. Evaluation of alternative methods, including alternative design methods to underwater blasting and alternative haul routes;
5. Requirement for specific studies pertaining to groundwater, including door-to-door well survey program, water quality monitoring program and assessment of effect on groundwater from blasting below the water table as well as any other hydrogeological studies that may be identified by the Director of the Ministry's EA branch; and,
6. Evaluation of the advantages and disadvantages of the proposal, including an assessment of cumulative effects.

The above-noted requirements are to be carried out in the following stages:

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1. Notice of Commencement;
2. Development of criteria and indicators to evaluate effects of the proposal and alternative methods to carry out the proposal;
3. Creation of a work plan for the respective studies;
4. Preparation of the draft EA;
5. Notice of publication of the draft EA; and,
6. Submission of the EA for Ministry review.

Unless specified in O.Reg 539/21, the remaining provisions of the Environmental Assessment Act apply to EA for the proposed quarry including Ministry consultation on the EA, a published Ministry Review and ultimately a decision by the Minister, subject to the approval of the Lieutenant Governor in Council.

Discussion

Update and Status of the Environmental Assessment

On October 16, 2023, the Town of Milton received a Notice of Commencement of Environmental Assessment for the proposed quarry. In accordance with O.Reg 539/21, JDCL mailed the Notice of Commencement to every assessed landowner within 500 metres of the proposed quarry, every assessed landowner within the EA study area (established by the MECP), every assessed landowner along any haul route related to the project, the Director of the Ministry's Environmental Branch and Central Region office, indigenous communities identified by the Director of Ministry's Environmental Branch and any other person that may be interested in the project.

Figure 2 to this Report includes the study area for the Environmental Assessment.

In addition to the above, JDCL posted the Notice of Commencement on their required public project website. The Town of Milton also updated its webpage for the Reid Road Reservoir Quarry to include the Notice of Commencement of the EA for the proposed quarry.

On November 17, 2023, JDCL provided Notice of the first Public Information Meeting (PIM) to the Town of Milton, all landowners within the study area and also emailed those who signed up to be on the project mailing list. On November 22, 2023, JDCL published an advertisement of the PIM in the Milton Champion newspaper as well. The Notice indicated

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that the purpose of the first PIM is to seek feedback on the preliminary evaluation criteria and indicators to evaluate alternative methods of operation and alternative haul routes.

The preliminary evaluation criteria and indicators package noted that the EA has been designed to be able to use information developed as part of the ARA application in the assessment of alternative methods of operation and alternative haul routes. In this regard, the package takes into account technical work and assessments completed through the ARA application. The package further notes that the level of evaluation criteria and indicators for each discipline is based on anticipated potential for effects, the level of information available regarding the effect potential and the areas of concern to interested persons identified through previous consultation activities.

On December 6, 2023, JDCL hosted a virtual Public Information Meeting (virtual PIM). The purpose of the PIM was to introduce the proposed quarry, provide an overview of the EA process and seek feedback on the preliminary evaluation criteria and indicators package. A facilitator led the virtual PIM and indicated that over 100 attendees logged onto the virtual PIM. Staff from the Town of Milton were amongst the attendees at the virtual PIM. JDCL and its consultant team delivered a presentation with information on the proposed quarry and provided an overview of the background and process for the EA, an explanation of the study area, a description of future meetings, as well as an outline of the project website and contact information to provide input following the meeting.

There were many questions and concerns raised by attendees at the virtual PIM. The questions raised were with respect to the study area, consultation timing and format, details related to the operation of the proposed quarry and regarding the approval authority/process for the EA. Concerns were also raised with respect to groundwater and surface water, traffic and safety, blasting and vibration, noise and economic impacts. In closing, the consulting team referred attendees to their project website (Frequently Asked Questions webpage) to access additional information on the proposed quarry and EA process and highlighted the January 17, 2024 deadline to provide comments on the preliminary evaluation criteria and indicators.

In response to the above request for comments, JART circulated the preliminary evaluation criteria and indicators package to respective internal staff departments as well as to various consultants retained by Halton Region. JART identified a number of concerns with the proposed data sources to be used in the EA process. For a number of categories, JDCL had previously prepared and submitted updated and/or addendum reports as part of the ARA application that were not included as proposed data sources. In addition, the proposed data

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sources consist of mostly technical work that was completed in support of the ARA application and it was not clear to JART how those reports would be used to evaluate alternative methods of operation required for the EA. The study areas used in the initial reports was also smaller than the study area for the EA. In this regard, JART is seeking regarding the data that will be used to evaluate alternatives in areas that have not been previously studied.

Appendix 1 to this Report includes JART's submission to the MECP and JDCL on the preliminary evaluation criteria and indicators package.

Next Steps

As a next step, JDCL will be preparing work plans for the respective studies required for the EA. Once complete, JDCL will circulate the materials in the same manner as described previously and provide notice of the next Public Information Meeting.

Town staff will continue to work with JART partners as part of the Government Review Team providing comments to the Ministry of Environment, Conservation and Parks on the Environmental Assessment process for the proposed Reid Road Reservoir Quarry.

Financial Impact

None arising from this Report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Jessica Tijanic, MSc., MCIP, Phone: Ext. 2221
RPP, Senior Planner,
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Attachments

Figure 1 - Location Map

Figure 2 - Study Area for the Environmental Assessment

Appendix 1 - JART Response to the MECP, dated January 17, 2024

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.