



SUBJECT: Comments to Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR) and Environmental Registry of Ontario (ERO) for the Burlington Nelson Quarry Extension

TO: Mayor and Members of Council

FROM: Community Planning Department

Report Number: PL-22-22

Wards Affected: 3

File Numbers: 505-04/20

Date to Committee: N/A

Date to Council: February 15, 2022

Recommendation:

Endorse Community Planning Department staff comments, as contained within Appendix 'A' of community planning department report PL-22-22 ('City of Burlington – Response Letter re: Nelson Quarry SPAA (Existing Quarry)'); and

Direct Community Planning Department staff to forward 'City of Burlington – Response Letter re: Nelson Quarry SPAA (Existing Quarry)' by courier and email to the MNDMNR and applicant prior to the comment deadline; and

Direct Community Planning Department staff to submit 'City of Burlington – Response Letter re: Nelson Quarry SPAA (Existing Quarry)' to the Environmental Registry of Ontario (ERO) in response to ERO No. 019-4921 prior to the comment deadline; and

Direct the City Clerk to forward Resolution of Council, subject to the endorsement of community planning department report PL-22-22, to the MNDMNR and applicant; and

Direct the City Clerk to forward Report PL-22-22 to the Joint Agency Review Team.

PURPOSE:

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture

Background and Discussion:

1.0 *Aggregate Resources Act (ARA) Site Plan Amendment Application ('SPAA')*

The City of Burlington Community Planning Department was circulated an application for an *Aggregate Resources Act* Site Plan Amendment on November 4, 2021 as it relates to lands currently under license, pursuant to the *Aggregate Resources Act* (being, License Nos. 5499 and 5657), and lands contemplated for expansion to the existing quarry and operations.

The application had been filed by the applicant (Nelson Aggregate Co.) with the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF), and as a component of that process, the City of Burlington was circulated as a commenting agency.

Correspondence received from the applicant indicated that the intent of the application and resultant proposed amendments was to integrate the existing Burlington Nelson Quarry with the proposed Burlington Nelson Quarry Extension.

A covering letter and supplemental circulation materials (i.e. *Aggregate Resources Act* Site Plan Amendment Forms and copies of Proposed Site Plans for the Existing Burlington Quarry) were sent with the circulation package to applicable commenting agencies (including, the City of Burlington) with a request to receive comments on the application no later than December 8, 2021. Any/all comments related to the application were to be forwarded directly to the MNDMNRF and the applicant.

A summary of the components of the proposed Site Plan Amendments was provided by the applicant's consultant planner and included the following:

- 1) Adjacent to the proposed west extension, existing extractions limits in the existing quarry will be revised to allow for an integrated operation and rehabilitation design (e.g. removal of 15 metre setback);
- 2) Adding permissions for material extracted within the extension to be transported to the existing quarry for processing and shipping;
- 3) A new entrance/exit access ramp adjacent to No.2 Sideroad to transport material from the south extension into the existing quarry;
- 4) Requests for provincial overrides to facilitate an integrated operations and rehabilitation between the extension and existing quarry;

- 5) A revised rehabilitation plan to facilitate cohesive rehabilitation with the proposed quarry extension, changes to the final end use from a deep lake system to a shallow lake with surrounding lands including an agricultural area (14.5 ha);
- 6) Added noise attenuation recommendations identified through the quarry extension application process that relate to the existing quarry;
- 7) Updated site plan notes throughout drawings to address all changes, including proposed variations to the Control and Operation of Pit or Quarry (O. Reg. 244/97 Section 0.13); and,
- 8) Minor housekeeping items.

An Environmental Registry of Ontario (ERO) posting had not been initiated at that time.

2.0 Environmental Registry of Ontario (ERO)(ERO No. 019-4921)

On January 18, 2022, a request for comments was posted to the Environmental Registry of Ontario (ERO), pursuant to the *Aggregate Resources Act* regarding an amendment to the current site plan related to the Burlington Nelson Quarry to integrate the existing quarry with the proposed quarry extension. Comments related to the application are to be submitted through the online portal available on the Environmental Registry of Ontario website (www.ero.ontario.ca). The deadline for the receipt of comments is February 17, 2022.

Submission of the City's comments (included as Appendix 'A') would be in response to the ERO request for comment within the required 30-day commenting period. It is anticipated that other agency members of the Joint Agency Review Team (JART), including, Region of Halton, Niagara Escarpment Commission and Conservation Halton may also provide comments to MNDMNR via the ERO posting.

JART agencies (including, City of Burlington) have previously responded to requests for comments and posting to the ERO as it related to an ARA License Application and a Niagara Escarpment Plan Amendment (NEPA) Application.

3.0 City of Burlington Response Letter

In response to the applicant's application circulation and request for comments, the Community Planning Department provided written (email) correspondence to MNDMNR and applicant on December 8, 2021. A hard copy of the letter was also sent via Canada Post.

While this item had been discussed among partner agencies of the Joint Agency Review Team (JART), the Region of Halton, Niagara Escarpment Commission and

Conservation Halton provided independent correspondence to MNDMNR and the applicant in response to the initial request for comments in December 2021.

The key points of the response letter focus on the timing of the submission of the SPAA relative to other required approvals (i.e. Niagara Escarpment Plan Amendment (NEPA) and NEC Development Permit); issuance of *Aggregate Resources Act* Site Plan Approval and License(s) for the proposed extension; and additional requirements for quarry rehabilitation.

Appendix 'A' (City of Burlington Response Letter re: Nelson Quarry SPAA (Existing Quarry)) includes a copy of the response letter (dated, December 8, 2021).

Financial Matters:

Not applicable.

4.0 Total Financial Impact

Not applicable.

5.0 Source of Funding

Not applicable.

6.0 Other Resource Impacts

Not applicable.

Climate Implications

JART continues to evaluate the proposed development in the context of the information provided, including reviewing the totality of potential impacts; including, implications to climate change.

Engagement Matters:

Community Planning Department staff updated the Development Projects webpage for the Burlington Nelson Quarry Extension (burlington.ca/nelsonquarry) to include this staff report as well as the accompanying Response Letter, with respect to the proposed Site Plan Amendments.

The ERO link pertaining to this posting (<https://ero.ontario.ca/notice/019-4921>) states that the circulation of the application, in addition to the City of Burlington, was also forwarded to Region of Halton; Ministry of Environment, Conservation and Parks; Ministry of Agriculture; Conservation Halton; and, landowners within 120 metres of the licensed boundary for comment.

Conclusion:

Due to the defined commenting period of 30 days to provide a response to the request for comments and posting to the ERO on this matter, Community Planning Department staff seek Council direction and endorsement as an urgent business report.

Respectfully submitted,

Gordon Dickson, MCIP, RPP
Coordinator of Site Plan Review
Community Planning Department
905-335-7600 Ext. 7693

Appendices:

- A. City of Burlington Response Letter re: Nelson Quarry SPAA (Existing Quarry)

Notifications:

Joe Nethery, Manager, Priority Development Projects
Halton Region
joe.nethery@halton.ca

Kellie McCormack, Associate Director, Planning & Regulations
Conservation Halton
kmccormack@hrca.on.ca

Joe Muller, Senior Strategic Advisor
Niagara Escarpment Commission
joe.muller@ontario.ca

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.