



Hamilton

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July 9, 2007

Glen Schnarr & Associates Inc.
10 Kingsbridge Garden Circle, Suite 700
Mississauga Ontario L5R 3K6

Dear Mr. Schnarr, Principal,

**Re: Combined Aggregate Review Team (CART) Response to St Marys PIC for the Haul Route Evaluation Study
Proposed St Marys Flamborough Quarry
City Files: OPA -04-017 & ZAC-04-89**

This letter represents a consolidation of the major comments received by the Planning Division, City of Hamilton from the Combined Aggregate Review Team (CART) members concerning St Marys Public Information Centre (PIC) held for the Haul Route Evaluation Study.

Background

On June 19, 2007, an email was sent which included a link to access electronic copies of the poster boards for the June 21, 2007, PIC. This link was then forwarded to CART members. In response, we received a number of comments about the scope and accuracy of much of the information on the poster boards, and concerns that the St Marys study team is not following the prescribed terms of reference for this process.

The following is intended as a constructive attempt to identify concerns raised to date and to set out suggestions to enable a greater degree of cooperation between CART members and the St Marys team in implementing the Terms of Reference for the remainder of this process.

Events Leading Up to and Conduct of the Public Information Centre

As you are aware, Terms of Reference (TOR) presenting minimum requirements for the transportation study were drawn up by the municipalities of Hamilton, Halton, Burlington and Milton in consultation with the then proponents (Lowndes) and finalized in April 2006. Page 10 of the TOR indicates that there is to be an initial public notice in local newspapers, independent of any public consultation event, and a meeting with the Agency Review Group to review the study approach/process, evaluation criteria, level of study detail etc. This notice was not provided, and the meeting did not occur. We have no evidence to date of any consultation with other agencies not represented on CART including the County of Wellington, Township of Puslinch, MTO, CN or CP.

Also on page 10 of the TOR, notification of the first public event was to have been advertised in local newspapers two weeks and one week ahead of the event – apparently there was only one round of notices, less than two weeks from the event. Your confirmation of what notice was

given concerning the PIC would assist to confirm whether St Marys followed the notification requirements identified in the TOR. While, we both understand that this is not a Class EA process, it is intended to mirror those requirements so that a future process can be expedited in the event that a quarry is approved on the St Marys site. The Municipal Class EA requires two rounds and not one round of notice where a project has the potential to be a Schedule B or C, which is the case in this instance. Also, drop-off of information to stakeholders on haul routes required in the TOR did not occur.

Although the TOR did not specify parameters for public event locations or the content of notices, it was expected that St Marys and its professional advisors would follow generally accepted consultation practices and principles that are followed by CART members and other agencies involved in public infrastructure projects. The first PIC event was held in a location approximately 20 km from the site and the notice did not show the site or the study area. A location within the study area would have been more respectful of the potentially affected residents, and the notice should have provided very basic information about the proposal location and study area. The TOR requires that each public event is to be accompanied by a presentation, and no presentation was planned or occurred.

We have also received a complaint from FORCE that members of the St Marys team attending the event did not identify themselves with name tags or by dress, potentially creating confusion as to who was a team member and who was an interested member of the public.

These variations from the TOR and from generally accepted practice in providing notice and holding such events may have had the combined effect of reducing attendance at the event and the full range of potential public concerns, and preventing citizens from hearing or commenting on concerns expressed by other members of the potentially affected communities. There may also be a loss of trust in terms of members of the public communicating with strangers, who may or may not be team members, at future events. We strongly recommend that St Marys and all of their consultants/representatives have name tags at any future PIC.

The Display Boards

CART members found it difficult to comment on some of the display boards circulated to them because the resolution in the images was of poor quality and much of the written content is in a very small font. Also it was noted that none of the display boards cite sources for the information presented.

We also note that the link to the display boards were provided to the City only two days before the PIC. CART was not given a reasonable timeframe within which to review the material and provide a response before the event took place.

The following is a summary of the responses received from CART members on specific display boards.

Display Board #1: Purpose of the Haul Route Study

Burlington (as a contributor to the TOR) and others are omitted from the list of CART members, however this appears to have been inadvertent.

While reference is made to the requirements of the EA Act, the boards do not explain that Municipal Class EA and possibly Class EA for Provincial Transportation Facilities requirements would have to be met to implement required road improvements if a quarry was to be approved. By not referencing this the explanation suggests that the CART requirement is arbitrary, whereas the process required by the TOR is intended to anticipate and support any required Class EA processes.

CART members attended an initial meeting with the St. Marys team on January 25, 2007 to discuss the TOR. While at that time members of your team raised concerns about the extent of the study area and the associated notice requirements, your record of that meeting states "St. Marys/CBM is committed to following all the appropriate steps in this process and will undertake the items that the municipality (and CART) require". On this display board St. Marys also commits to conducting the study in accordance with the TOR, however CART members have indicated that this commitment is not being followed through in practice.

Display Board 2: Purpose of Public Information Centre #1

The TOR (p. 10) indicates that one of the functions of the first PIC is to ask the public how they would like to be involved in the study – this is missing from the proponent's description. The delineation of an exclusion zone is premature for an initial PIC and appears to have been done ahead of any formal consideration of environmental effects, as discussed below.

Display Board 3: Study Context

This map does not identify the areas occupied by Halton Region and the Township of Puslinch within the study area.

Display Board #4: Problem Statement & Study Issues

The panel outlines the quarry proposal, the potential effects of aggregate haulage and the need to identify a preferred alternative haul route. It does not reflect the requirement on page 9 of the TOR that the proponent is to demonstrate that the effects of the preferred alternative (with the proposed truck volumes) can be considered as being "reasonable" and "acceptable".

Display Board # 5: Review of Alternative Modes of Transport

No comment at this time

Display Board # 6: Review of Alternative Modes of Transport (Conclusion)

It can be anticipated that truck impacts may occur beyond designated routes.

Display Board # 7: Road and Rail Network

Milborough Line is shown as a Hamilton Arterial (which it is not) and a "major" Milton road, when there is no such classification. The section of Milborough Line between Derry Road (Regional Road 7) and Kilbride should be identified as Halton Regional Road #24 (pink). Kilbride Street and Campbellville Road are not Regional Roads – these designations are based on outdated information. Since the panel shows municipal roads it should indicate municipal boundaries.

Display Board #8: Utilization of Road Network

The map appears to be incomplete – for example it does not show volumes on Centre Road south of Carlisle Road, or Dundas Street East. The information could have been presented in a more understandable way by the use of simple graphic techniques. The volumes could also have been presented graphically in relation to the anticipated volume of trucks emanating from the proposed quarry.

Halton Region has noted that the truck percentages on Halton Regional Roads appear low and should be reviewed, and that the station west of Twiss Road on Derry Road should not have been shown.

We suggest that the safety and operational concerns raised by the rail crossings in the study area are a major issue, and that the background information should have included frequency of trains on these lines and the duration of road delays when crossings are closed.

Display Board #9: Designated Truck Routes

While Campbellville Road is designated as a truck route, the panel does not show that there is a year-round load restriction on that roadway. There are no truck restrictions on Dundas Street, Brant Street or Guelph Line. Derry Road has truck restrictions. Milborough Line also has truck restrictions. In Halton, designated Major Arterials should be treated as truck routes unless designated otherwise.

Display Board #10: Additional Contextual Information

The Bruce Trail system should have been included on this map.

Halton does not designate recreation routes, and this reference should not have been shown.

This panel inaccurately shows the Conservation Halton landholdings and Regional Forest Tracts in the vicinity of the proposal. A number of properties are not included or their boundaries are incorrect. Further the properties should be identified on the display board. A link to a map showing Conservation Halton Conservation Areas, Resource Management Areas and Region of Halton Agreement Forests can be accessed on the Conservation Halton website (<http://www.conservationhalton.on.ca/uploads//revisedmapforpage11.jpg>) It is questioned how will these areas be considered in the study?

A Halton recreation route is shown extending into Hamilton, and Burlington recreation routes are shown passing through Milton. The panels should not show this kind of information without providing the source and explaining what the designation means.

Display Board # 11: Operational Considerations

Forecasts in the Growth Plan are a very general basis on which to forecast directions and volumes of truck travel. The panel does not show how the calculation was done. Even on this simplistic basis, CART members do not agree with the directionality of quarry demand presented on this panel. Other factors such as the likelihood of aggregate – intensive projects such including new 400 - series highways and the location, utilization and life of competing quarries and quarries owned by the proponent would also be relevant.

The monthly fluctuations shown on the panel indicate a higher level of extraction in summer than in winter. The daily distribution chart shows very little activity on Saturdays and none on Sundays. The significance of this information and its use in determining an exclusion zone are not explained. The exclusion zone presented cannot be supported based on the information provided.

Display Board # 12: Exclusion Zone Within the Study Area

This panel quotes from the TOR in justifying the principle of an exclusion zone within the study area, but it does not refer to the comments made by CART on the timing of this step of the process and that a higher level of information, evaluation and analysis is first required prior to defining any exclusion zone. This is a significant issue as the exclusion zone is not supportable on the basis of the current information presented.

The descriptions under the headings “the aggregate market”, “the study area characteristics”, and “the SMC truck route policy” are generic, without specifics on how they affected the selection of an exclusion zone boundary.

Under “Study Area Characteristics” some hamlets on designated truck routes are considered unsuitable for heavy truck traffic, however there is no explicit evaluation of all hamlets or other settlement areas (such as Campbellville) on truck routes, nor is there a description of how suitability was determined. The panel (and the following Display Board # 13) does not demonstrate that sufficient evaluation and analysis has been done to support the exclusion zone shown on Display Board 14. The description should be supported by a rationale that demonstrates a systematic and traceable approach and considers all aspects of the environment, consistent with the requirements of the EA Act and associated Class EA documents.

Display Board # 13: Exclusion Zone Within the Study Area (continued)

This panel deals with the SMC Truck Route Policy. The statement that SMC has agreed to a binding agreement with Hamilton suggests that the City has given its assent to this approach, which is not the case. There is no commitment to a binding agreement with the Township of Puslinch, the Region of Halton, the Town of Milton and/or the City of Burlington if haul routes extend through those municipalities. CART members also expect a commitment to financial compensation through tonnage fees (legally required in Hamilton but not elsewhere) if haul routes have potential to result in increased wear and tear on their municipal roads.

The panel does not say how the St. Marys proposed policy and agreement would be monitored or enforced, nor how it would be maintained if the ownership of the quarry is transferred to some other entity.

Display Board # 14: Exclusion Zone

See above

Display Board # 15: Next Steps

There is no indication as to how the proponent would respond to comments received.

While the flowchart on this panel is intended to be a summary, it excludes some elements included in the TOR including the need to identify needed road improvements and the evaluation of financial implications and proponent and municipal responsibilities.

Whereas the flowchart indicates that feedback would not be solicited on the evaluation criteria until after the preferred route(s) have been selected, the text on this panel indicates that this consultation will take place before preferred route selection. The latter approach would be consistent with the TOR.

The panel does not indicate any timelines for future steps. We understand that St Marys may hold its next PIC in August 2007. This would be contrary to the established approach of CART members and other agencies involved in developing new infrastructure not to hold such events during the holiday period, and would further reduce the validity and credibility of the approach of the St. Marys team to consultation on this project.

Additional Display Boards

There are an additional twelve display boards that provide information unrelated to the haul route study on such topics as surface water, natural environment, hydrogeology, and the proposed groundwater recirculation system. We have not had an opportunity to subject these panels to expert review, however our preliminary comments are as follows:

- The “Geological Cross Section through Northern Portion of Property” shows a much more complex pattern of “interpreted zones of high water production” than the “Production Zone” shown in the “Schematic of Proposed Mitigation System”
- The geological cross-section refers to the Reynales Formation at the base of the quarry, whereas the schematic does not. It is unclear from the schematic whether the Reynales formation would be extracted.
- If the quarry sump is to be placed in the Cabot Head Shale rather than limestone as indicated in the Schematic, that may have potential effects on water quality.
- The “Location of Monitoring Wells Installed at City of Hamilton Request” appears to show all wells, not just those requested.
- There is a panel on “quarry noise control”, but not on noise from aggregate haulage.

Establishing a Cooperative and Productive Working Relationship between CART and the St Marys Team

CART members have identified deficiencies in the approach to and content of the recent PIC that represent credibility issues with the transportation study process. We are committed to working with the St Marys team to ensure these deficiencies are not continued and compounded as the process proceeds. CART members are willing to meet with St Marys representatives to discuss this consolidated response and St Marys future steps for the Haul Route Evaluation Study.

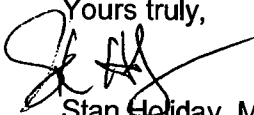
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We suggest that the discussion on the following topics occur at our future meeting:

- Lines of communication and timing of contact between CART and St Marys team members regarding information to be presented in reports and to the public, to ensure its validity, comprehensiveness and accuracy;
- Mutual consensus on an understanding of the requirements of the Terms of Reference that would enable CART members to ultimately endorse the validity of the Haul Route Evaluation Study;
- Mutual agreement on the timing, notification and format of consultation events.

Yours truly,



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Acting Senior Project Manager
Planning Division
Planning and Economic Development Department
City of Hamilton
On behalf of the Combined Aggregate Review Team

cc: CART Members