

Via E-mail attachment and Canada Post

From:

Jack S Hellinga

April 30, 2021

██████████
Port Colborne, ON ██████████

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

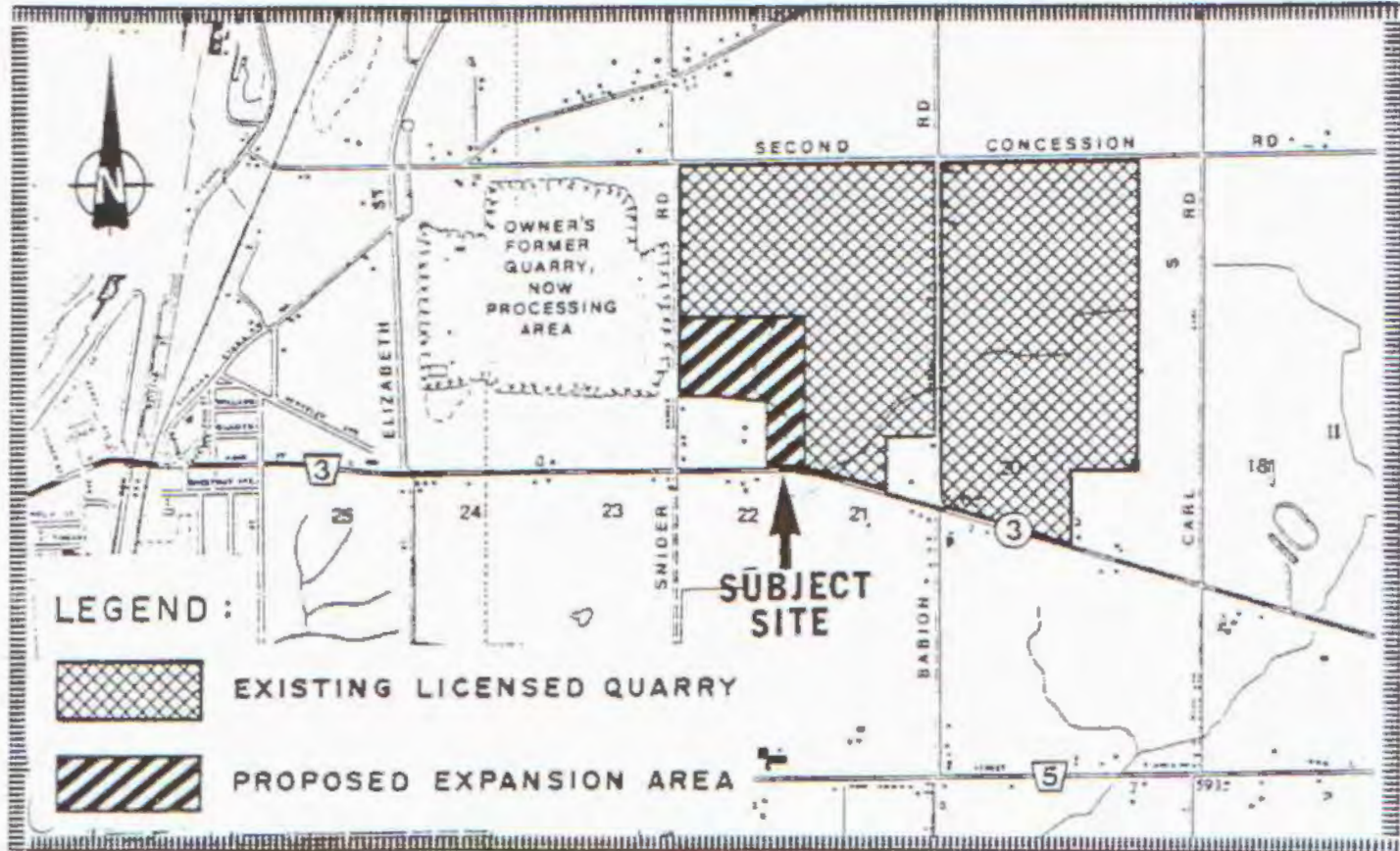
On January 26, 1981, an application was received from Port Colborne Quarries Ltd. to amend the Regional Niagara Policy Plan to permit a 32 acres (12.8 ha) expansion to their quarry located north of Highway 3 and east of Snider Road in the City of Port Colborne (see location map).

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.

DPD 1489
Page 4

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

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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.

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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.

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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.

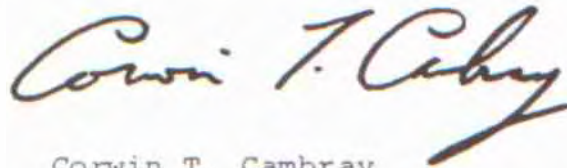
Prepared by,



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. 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

Re: PCQ Public Information Meeting
April 14th, 1981

Page 3

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 earth to slope the depleted quarry sides at a 2:1 ratio. Mr. Haggerty also referred to the site plan

Re: PCQ Public Information Meeting
April 14th, 1981

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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 4G4

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:

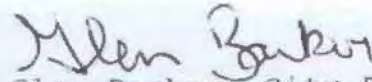
1. That the City of Port Colborne supports the approval of a license to quarry the subject 12.9 hectare expansion by Port Colborne Quarries Limited, subject to the foregoing recommendations.
2. That the Ministry of Natural Resources clarify the approval status of the City of Port Colborne's Official 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,


Glen Barker, City Planner

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