



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:

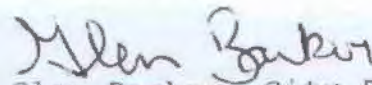
1. That the City of Port Colborne supports the approval of a license to quarry the subject 12.9 hectare expansion by Port Colborne Quarries Limited, subject to the foregoing recommendations.
2. That the Ministry of Natural Resources clarify the approval status of the City of Port Colborne's Official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

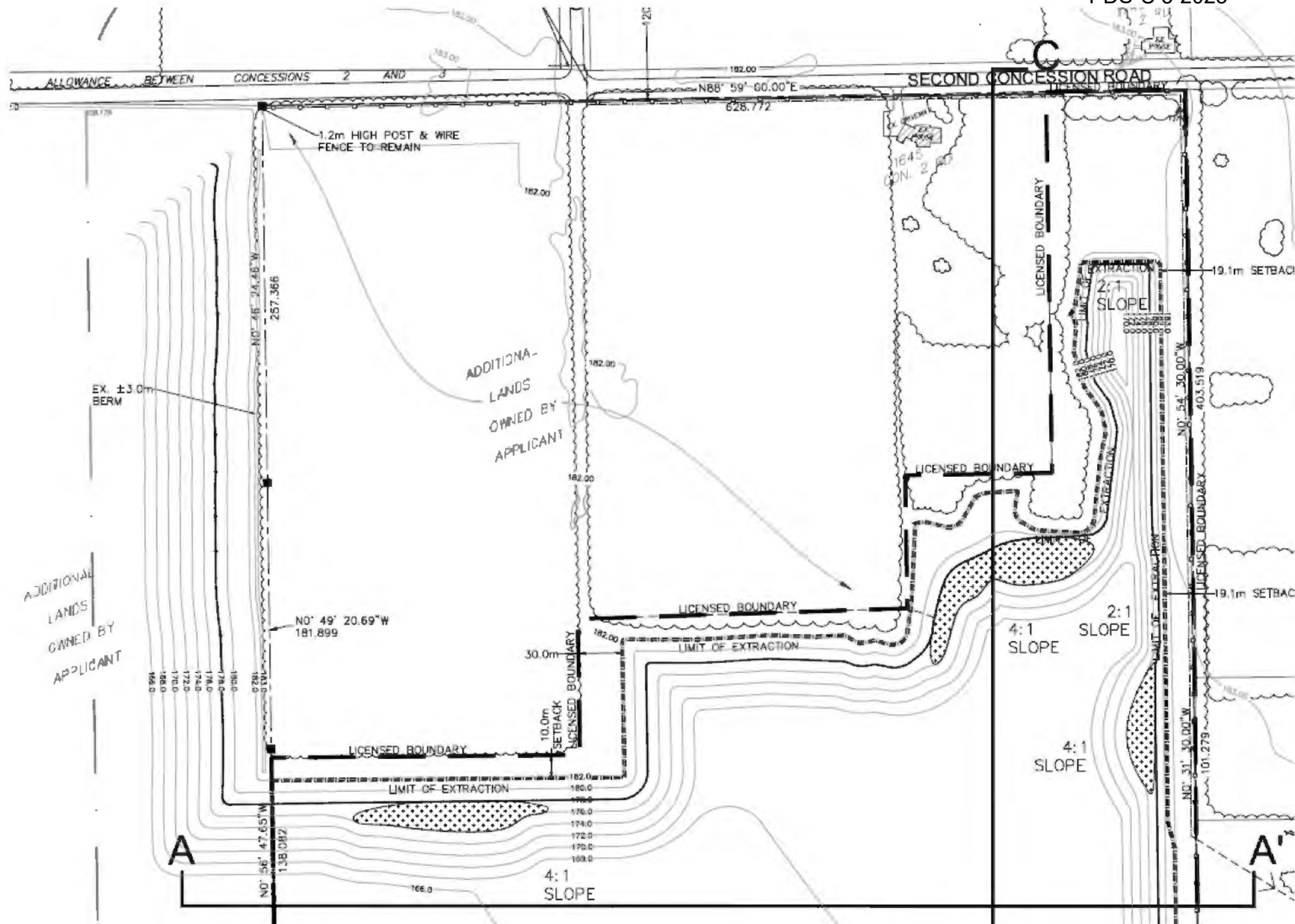
Should you require further information or clarification, please do not hesitate to contact this office.

cc: J. Fraser
A. Veal
D. Balazs
R. Minnes

Yours truly,


Glen Barker, City Planner

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DPD 1489
November 4, 1981
RE-am.10
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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

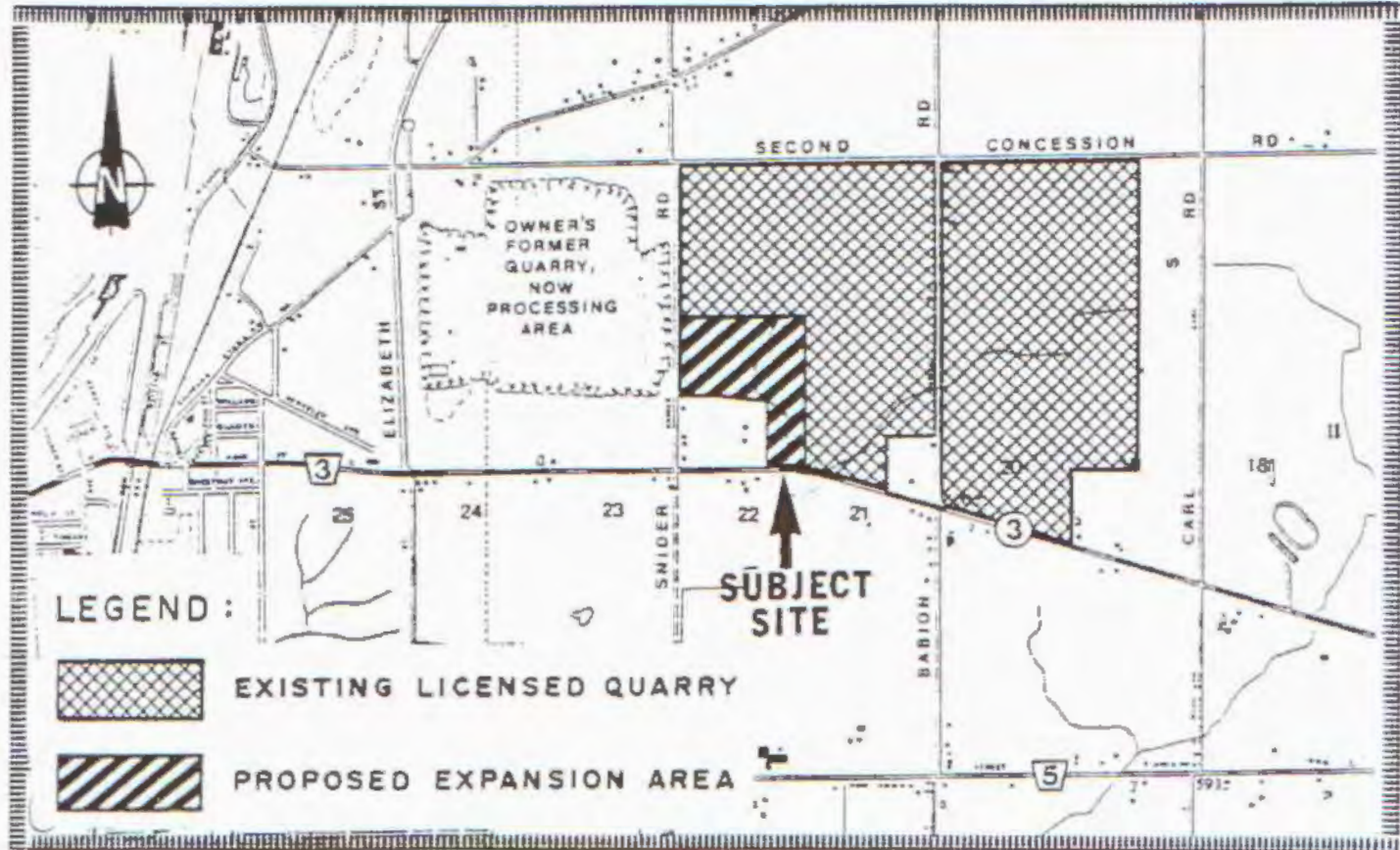
On January 26, 1981, an application was received from Port Colborne Quarries Ltd. to amend the Regional Niagara Policy Plan to permit a 32 acres (12.8 ha) expansion to their quarry located north of Highway 3 and east of Snider Road in the City of Port Colborne (see location map).

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.

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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

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.

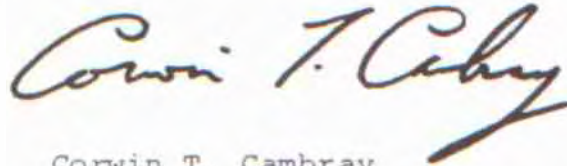
Prepared by,



Drew Semple
Planner

/svb

Respectfully submitted,



Corwin T. Cambray
Manager
Policy Planning

PIT 3 EXTENSION

SURROUNDING LAND USES

SHEET 1 OF 9



APPLICANT
PORT COLBORNE
QUARRIES INC.

222 MARTINDALE ROAD, P.O. BOX 1116
ST. CATERINES, ON, L2R 7A3

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SKIDMORE, MERRILL AND ASSOCIATES, INC.



LEGEND

PROPERTY SOUTHCITY

PROPERTY SOUTHCITY OF EXISTING PITS

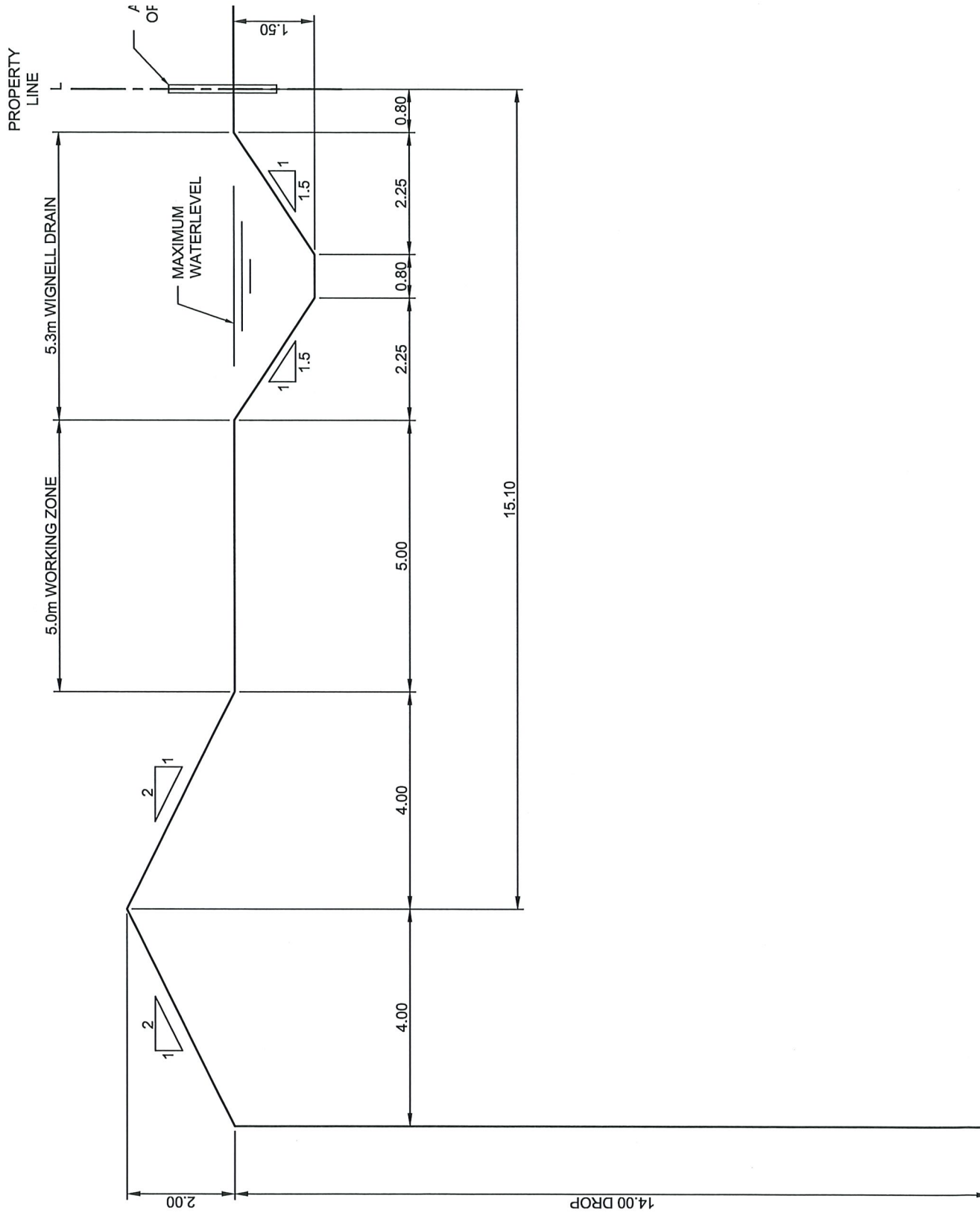
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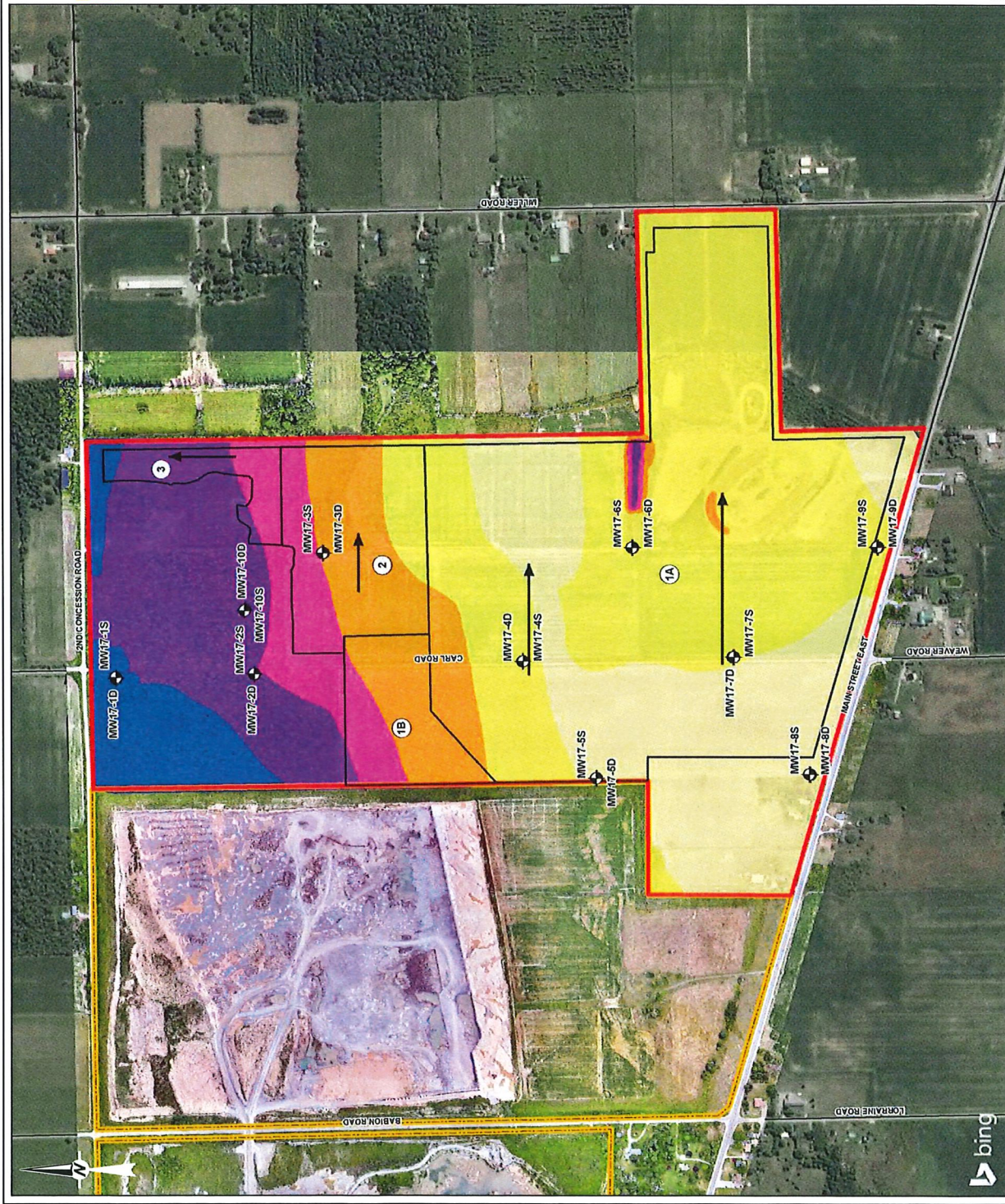
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RESOURCES ACT FOR A CLASS 1 LICENSE CATEGORY 2.
THEY HAVE BEEN PREPARED BY THE UNDERSIGNED BY THE
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ACT SECTION 8 (4).



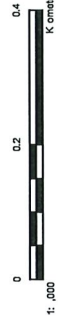
PORT COLBORNE
QUARRIES INC.
PIT 3 EXTENSION

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PROJECT MGR. D.S.	APPROVED BY:
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SHEET NUMBER 1 of 9	ISSUE





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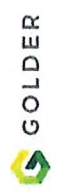
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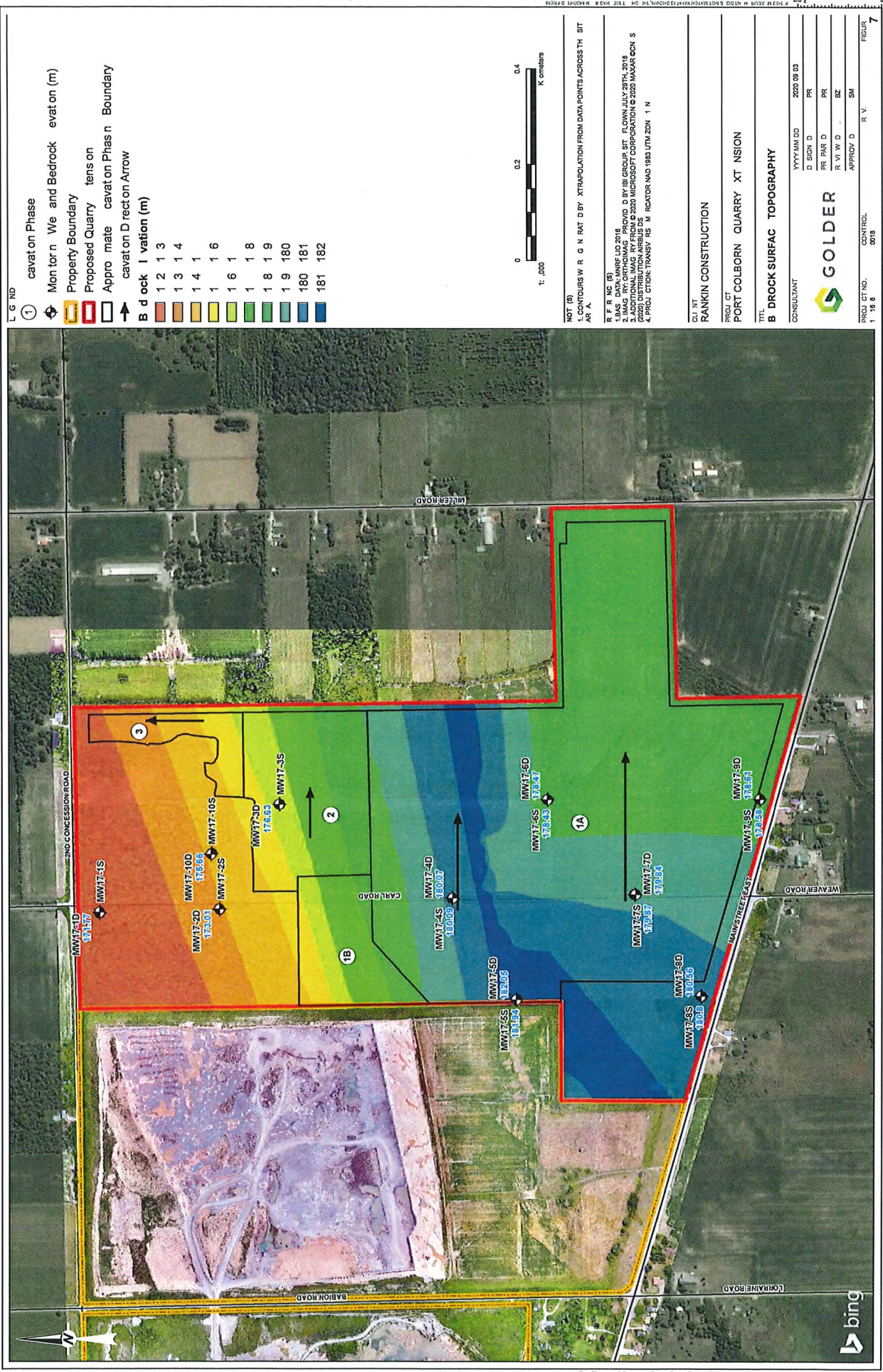
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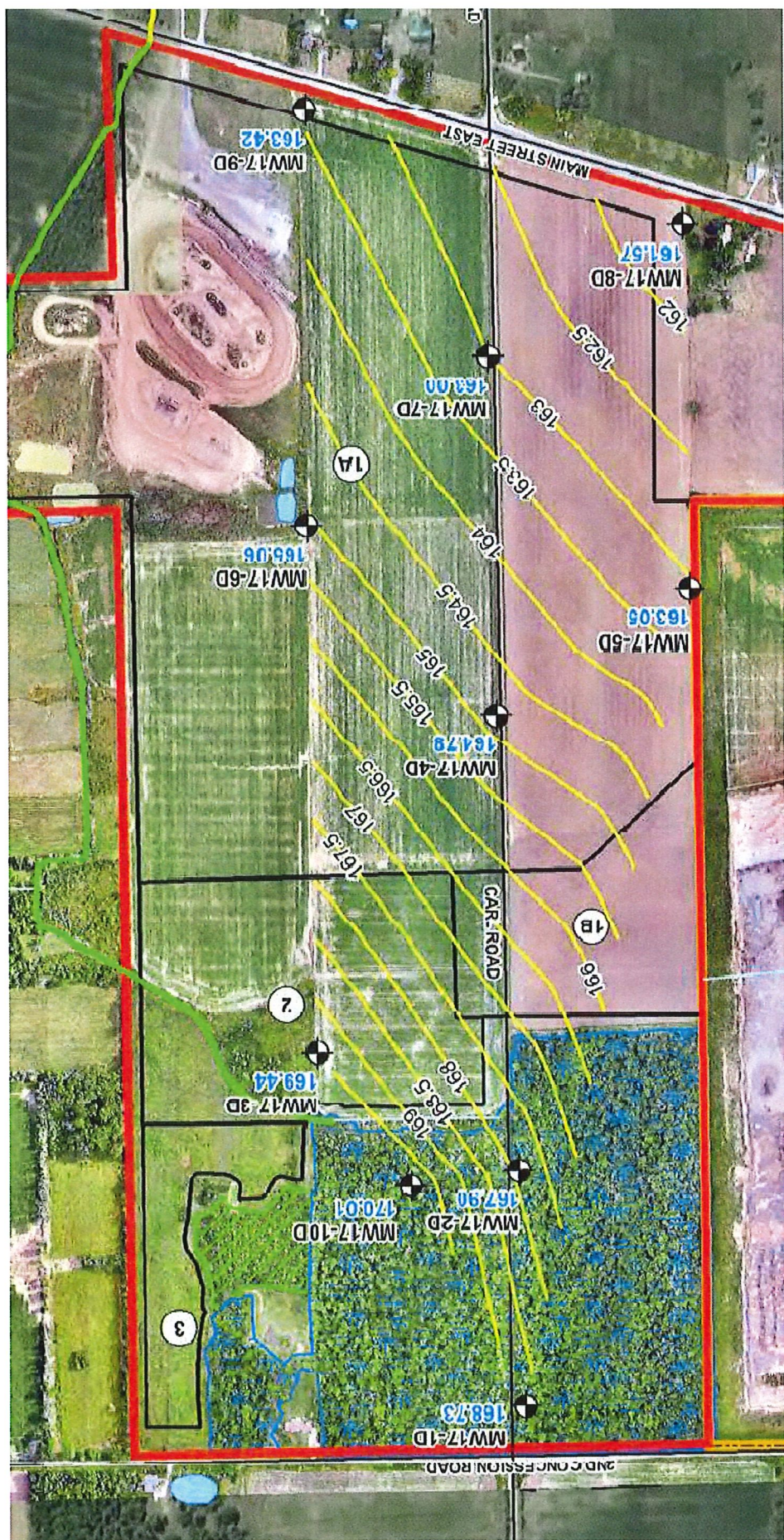
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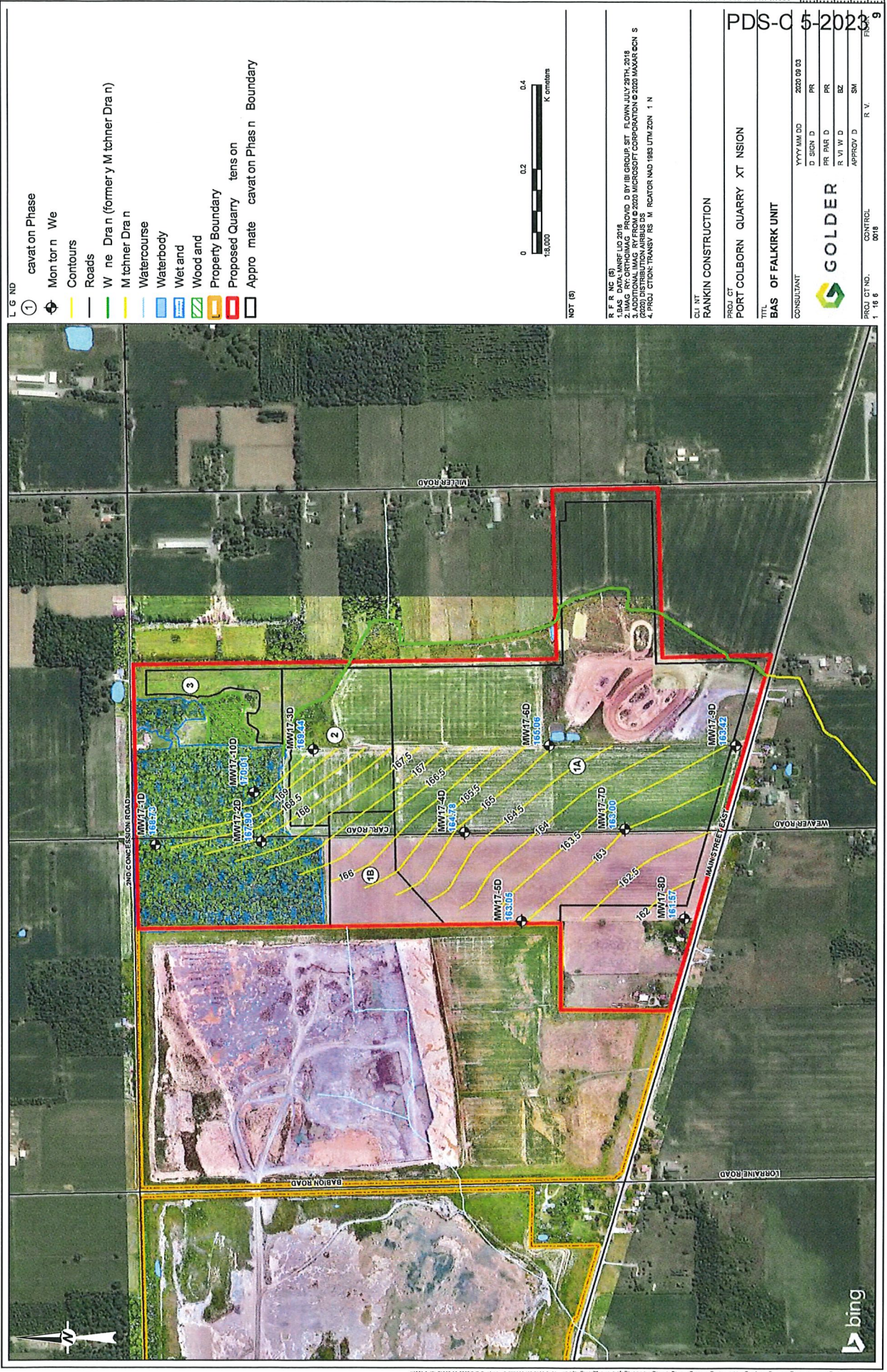
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NOTES

- 1. MAG. DATE: 10/10/2018
- 2. MAG. BY: ORTHOMAG. PROVIDED BY: IBI GROUP. SITE: FLOWN JULY 28TH, 2018
- 3. ADDITIONAL MAG. REF: FROM © 2020 MICROSOFT CORPORATION © 2020 MAPBOX © 2020
- 4. PROJ. CTION: TRANS. RES. M. RECTOR. NAD 1983 UTM ZONE 18 N

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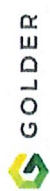
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PDS-C 5-2023 9

Thank you for the opportunity to comment on the rezoning applications for Port Colborne Quarries (PCQ), Pit 3 extension.

I have lived next door to PCQ Pit 2 for 49 years. I was active in the application process for PCQ License Extension 4444 in 1980 – 1982.

When Port Colborne Planning (Glen Barker) reviewed the rezoning application in 1980, they sent to the MNR a list of suggested conditions to be included in the License. One of the conditions was that rehabilitation of Pit 2 should be completed within 6 months of the depletion of Pit 2. A copy of the letter is **attached (1)**. Unfortunately, the conditions were initially included in the license and then removed about 1994. The Site Plan Agreement was initially referenced in the license site plans, but was subsequently removed as MNR determined it was only enforceable by the City. However, there has been little to no enforcement.

When the Region of Niagara (Corwin Cambray) reviewed the Official Plan Amendment (ROPA) application, the review and recommendation was based on information supplied by PCQ. They estimated the life of Pit 2 to be 3 – 5 years for the extension, in addition to the license for Pit 3. The Region based their agreement to the ROPA on the supplied information, and justified the agreement to the license extension based on the information that the disturbance to the neighbouring sensitive receptors would be very short-term. A copy of the Planning Department Report is **attached (2)**.

What does the previous brief history matter to this current rezoning application? It indicates that the conditions the City and Region prefer need to be included in the site plans before the rezoning is granted. The sequence of approvals requires appropriate zoning to be in place before the license will be granted. Once the zoning allows aggregate operations, the ministry is free to set their own conditions. If the City and Region conditions are already in the site plan, and the area to be licensed is reflected in the zone boundaries, the Ministry can only license that property.

Attached (3) is an aerial view of surrounding land uses and the proposed quarry extension. It is referenced as Sheet 1 of 9. Pit 2 is identified, and that was expected to have been rehabilitated by or before 1990. As is clear from the recent aerial, Pit 2 is far from rehabilitated after 30 years because there is no avenue for enforcement.

There is no argument that quarries are a necessary industry, and that they can only exist where there is a mineral resource. The licenses are granted based on a set of conditions to which the operators agree. However, there needs to be a mechanism to enforce the agreements. Since the MNRF does not enforce municipal agreements, the conditions under

which the rezoning is granted should be such that if they are not complied with, they can be revoked.

PCQ will argue that the current owners are good corporate citizens and have demonstrated same. However, PCQ has had 3 different owners in the 49 years I have been their next door neighbour, and there is no guarantee the current owners will continue to own and operate this facility. The conditions must be enforceable for anyone that may own the property and operate the quarry.

The current progress plan on Figure 5 of the Planning Justification Report **attached (4)**, shows the Phase 1A as approximately 80% of the site proposed to be licensed. This translates to approximately 40 years of quarrying. How is that interpreted to be phasing? The timing of future activities, such as moving the crushers and processing equipment, are referenced to the phasing. The phasing should be identified for 5 year time frames, so such vagueness is removed, and that timing of coincidental work is predictable to a 5 year time frame.

The next matter is the proposed operational progression of the quarry operation. At a recent Port Colborne Council meeting, a PCQ representative suggested that the Pit 3 extension could extend for up to 60 years. The current quarrying area includes a very small tab (or leg, or finger) on the north of the property, identified as Phase 3. This is shown on the **attached (5)** excerpt from Site Plan Drawing 9 of 9. In order to mine this area, PCQ has already asked for a realignment of the Wignell (Michener M2) municipal drain to access this tab. The current alignment of the municipal drain is through the Provincially Significant Wetland along Carl Road ROW, as shown on the **attached (6)**. This portion of the drain carries surface runoff from almost 150 hectares of agricultural land upstream, north of Second Concession Road. The runoff replenishes the wetland during rainfall events. The wetland buffers the intensity of the runoff, and filters the water before it proceeds further downstream, and provides a spawning for northern pike in the spring of the year. The application for license not only seeks permission to mine on the second (south side) of the wetland, but also on the east side, which would result in the wetland becoming a peninsula. It should also be noted that the proposal includes reducing the NPCA Policy setback of the quarry from the wetland from 30 metres to 10 metres, and to use the setback area for berming contrary to NPCA Policy. If an expert hydrogeologist wanted to kill a wetland, the approach would be to remove the source of water, creating just land, and that is what this realignment would accomplish. The rezoning Planning Act amendments and the Drainage Act are interlinked regulations. You are considering a rezoning in the case of the City, or a Policy Plan amendment in the case of the Region. The request for rezoning must include a review of all regulations and all acts, and that includes the Drainage Act.

In the case of the Port Colborne Drain on Babion Road, the drain is being realigned off the road allowance because of safety concerns. The alignment of the north reach of the Wignell Drain proposes the alignment in the south roadside ditch along Second Concession Road. The culvert under Second Concession Road is 1800 mm diameter with approximately 600 mm of silt, and 400 mm of cover, requiring the invert of the ditch to be at least 1600 mm below the road surface, and deepening as it flows downstream to the east. This contradicts the reason for realigning the drain on Babion Road.

In the north tab identified on **attached (7)** as Phase 3, the aggregate is covered by 10 – 12 metres of overburden, and the approximately 60 metre tab width is reduced by 15 metre setback on the west side, 19.1 metre width reduction for the municipal drain and maintenance width and berm on the east side **attached (8)**, and 10 – 12 m on each side (Ministry Of Labour minimum side slope) for sloping of the overburden, making a width of only about 20 – 25 m of the aggregate accessible for quarrying. The thickness of aggregate based on the geological report and maps for the license to the bottom of the Falkirk Unit **attached (9) and (10)** have determined there is only about 3 metres of aggregate available in the extreme south end of the north tab. The length of the tab is about 300 metres. This calculates to 40,000 to 60,000 tonnes of aggregate. It will require moving approximately 125,000 cubic meters of overburden. I have asked the Port Colborne JART PLC to have this quantity confirmed. Phase 3 is the last phase, and represents less than 1 month of the annual license tonnage in an application that could last up to 60 years. There seems to be no reason to jeopardize the wetland and adjacent woodlot shown in **attached (11)**.

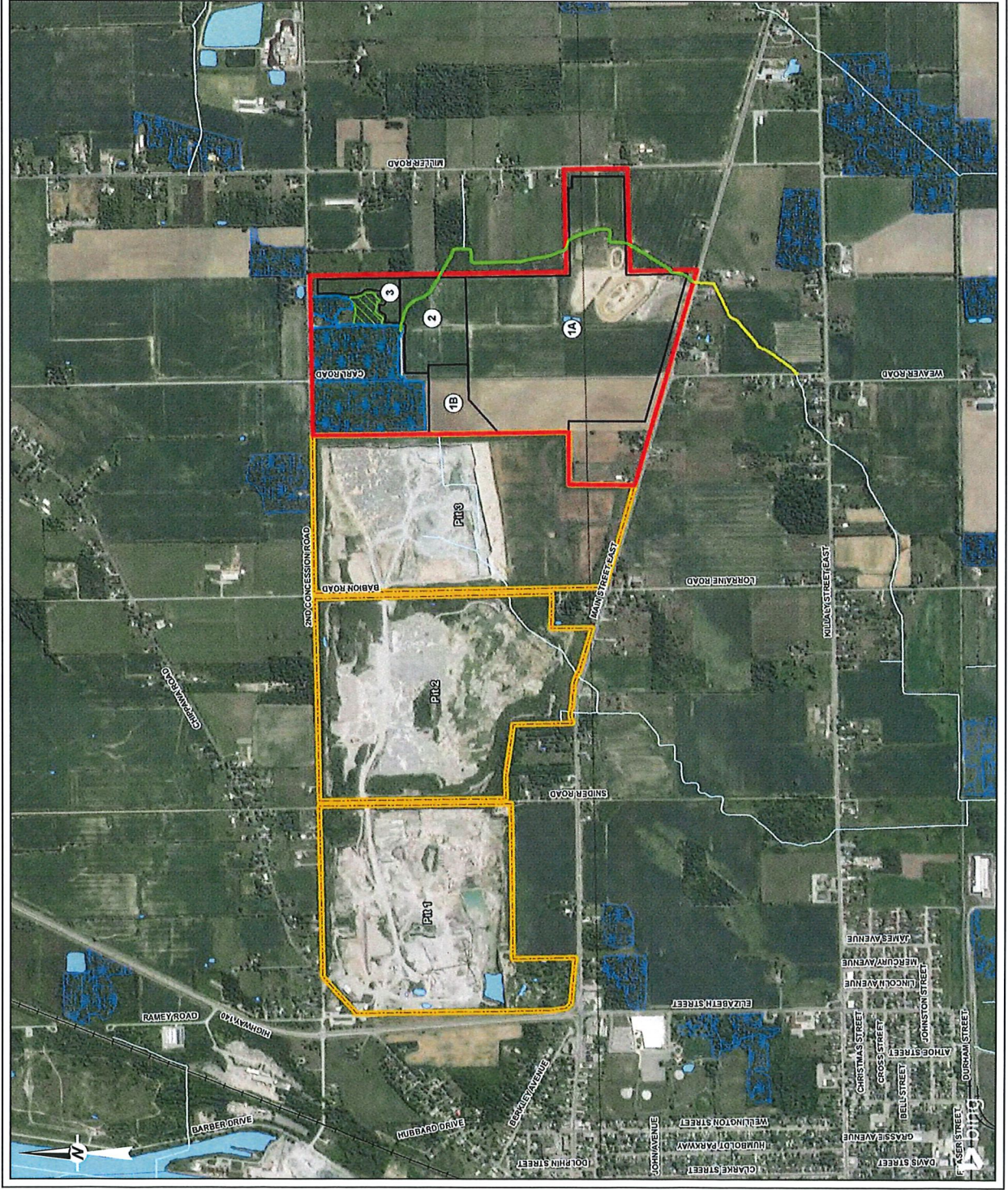
The application for rezoning of this tab should be rejected, making the Wignell north reach drain realignment unnecessary, preventing the wetland from being a perched peninsula, and saving the wetland biodiversity and the valuable other benefits it provides. The proponent may suggest the drain needs to be relocated to provide access to the agricultural lands when the access from the south is cut off by the new quarry extraction. However, access can easily be provided with a culvert at the drain's existing alignment.

Thank you for allowing me to speak to this important issue which will become your legacy for 60 years or beyond.

Jack S Hellinga,

██████████ Port Colborne

██████████



- LEGEND
- ① cavat on Phase
 - Roads
 - Ra way
 - W ne Dra n (former y M tchner Dra n)
 - M tchner Dra n
 - Watercourse
 - Waterbody
 - Wet and
 - Wood and
 - Property Boundary
 - Proposed Quarry
 - Appro mate cavat on Phas n Boundary



NOTES

RANKIN CONSTRUCTION

PROPOS D PORT COLBORN QUARRY XT NSION

SIT LOCATION PLAN

CONSULTANT

YYYY/MM/DD 2020/08/03

D SIGN D PR

PR PRE D PR

R VI W D BC

APPROV D SM

PROJ CT NO. CONTROL 0018

R. V. FIGUR 1



PIT 3 ©
LICENCE 4444 ©

ADDITIONAL
LANDS
OWNED
BY
APPLICANT

ADDITIONAL
LANDS
OWNED
BY
APPLICANT

ADDITIONAL
LANDS
OWNED
BY
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LANDS
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