April 21, 2022

# A2 STAFF REPORT

**RE: Proposed Milton Quarry East Extension (MQEE) - Class A, Below Water Quarry *Aggregate Resources Act* Licence Application**

 **Part Lots 11 & 12, Concession 1 (Geographic Township of Esquesing)**

 **Township of Halton Hills, Regional Municipality of Halton**

**SUMMARY RECOMMENDATION:**

That the Niagara Escarpment Commission (NEC) advise the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) and Dufferin Aggregates, that it objects to the approval of a licence for the expansion of the Dufferin Milton Quarry East Expansion for the reasons outlined in the attached letter.

**PURPOSE:**

The purpose of this Report is to provide advice to the NEC regarding the Dufferin *Aggregate Resources Act* (ARA) licence application in order for the NEC to respond to the notice under the ARA by the required commenting deadline.

**BACKGROUND:**

The extraction of aggregate from a pit or quarry on private land designated by regulation, in the Province of Ontario, requires the issuance of a licence. Ontario Regulation 244/97 under the ARA and subject to the Aggregate Resources of Ontario Standards that sets out the application process and requirements.

Dufferin Aggregates, a division of CRH Canada Group Inc., has applied for a Class A licence, Quarry Below Water, to excavate aggregate from a quarry on the above noted subject lands. The licenced area is proposed to be approximately 30.2 hectares in size with a proposed extraction area of 15.9 hectares. The ARA application is for an expansion to the existing ARA licence (No. 608621). The annual tonnage condition applied for is unlimited.

The consultation period under the ARA, and consistent with the Aggregate Resources of Ontario Circulation Standards, begins when the public notice and agency circulation are complete, and the commenting period lasts for 60 days. NEC Staff received notice of the ARA licence application for the Dufferin Milton Quarry East Expansion and commencement of the 60-day ARA notice period on March 4, 2021. A notice has also been posted on the Environmental Registry. The NEC must advise the MNDMNRF whether it objects to the licence on or before May 9, 2022. Dufferin then has two years to respond to comments received and resolve objector concerns. Following the ARA process, if there are still outstanding objectors, the matter will be referred to the Ontario Land Tribunal for a Hearing.

**DISCUSSION:**

NEC staff is a member of the Halton Region Joint Aggregate Review Team (JART) for the Dufferin Milton Quarry East Expansion proposal. Peer review consultants are in the process of reviewing the supporting technical submissions and will be providing initial comments and questions to the applicant in the near future. Further meetings of the JART, its subcommittees and Dufferin and their consultants will be scheduled to discuss the technical submissions, including matters outlined in the ARA objection letter.

A virtual Public Information Centre (PIC) was held by Dufferin on April 7, 2022. One member of the public was in attendance. Staff attended the meeting as an observer.

Staff recommends that the NEC submit the attached letter from the Chair, in response to the ARA notification to inform the MNDMNRF and the applicant that the NEC objects to Dufferin’s application at the present time, for the reasons outlined in the attached letter, summarized as follows:

* The JART process is still underway, and the NEC would be in a better position to make a recommendation on the ARA application with the benefit of the the Peer Reviewer conclusions and final JART Report.
* NEC staff requires the agency comments that are obtained through the NEC circulation and request for comments on the proposed NEP amendment. Including, but not limited to consultation with the Ministry of Environment, Conservation and Parks (MECP) regarding Species at Risk matters.
* NEC staff have undertaken a preliminary review of the extensive technical documents and studies submitted in support of the *ARA*, *Niagara Escarpment Planning and Development Act* (NEPDA) and *Planning Act* applications and has identified potential NEP conformity issues and areas which require further clarification and response from the proponent, and discussions with subject matter experts. Issues identified include but are not limited to: natural heritage (buffers key features, sufficiency of investigations, conclusions respecting impacts, baseline conditions), cumulative impacts, water resources, geology and hazards, cultural heritage and visual impacts.
* The ARA licence should not be approved until all the stakeholders have taken a position on the related *Planning Act* and NEPDAapplications.

**RECOMMENDATION:**

NEC staff recommends that the Commission adopt this Report and forward the attached letter signed by the Chair to the MNDMNRF and Dufferin Aggregates, indicating the NEC’s objection to the ARA licence application for the expansion of the Dufferin Milton Quarry East Expansion.

**Prepared by: Approved by:**

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Lisa Grbinicek, MCIP, RPP John Dungavell

Senior Strategic Advisor A/Director