

Questions and Answers: St. Marys Cement Inc., Canada (Olszowka Pit)

Introduction:

In 2012, St. Marys Cement Inc. (St. Marys) requested to the County of Brant to develop agricultural lands into a licensed gravel pit.

Members of the community voiced many concerns and Council actively listened to the public.

A number of public meetings and consultations occurred throughout 2012 to 2017.

In 2017, the Planning Advisory Committee made recommendations to Council to refuse St. Marys applications due to a number of concerns raised by the public and committee members.

Before Council made a final decision, St. Marys appealed to the Local Planning Appeal Tribunal for a non-decision as the timeframe for making a decision had passed and St. Marys chose to exercise its appeal rights under the Planning Act.

Throughout the Local Planning Appeal Tribunal process, the County of Brant negotiated with St. Marys on a number of important items voiced by the community.

A decision, from the Local Planning Appeal Tribunal, was given on January 28, 2020. It concluded that St. Marys Cement Inc. would be authorized to open and operate the Olszowka Pit while adhering to a number of agreements and regulations.

Where is the location of the Olszowka Pit?

- 468 Bishopsgate Road and 473 Bishopsgate Road, Burford.
- The west part of the subject property has frontage along Golf Links Road on the north and Fifth Concession Road on the south. The abutting lands include areas designated for agricultural lands and natural environment features.
- The lands have been identified of mineral aggregate resource significance in the County of Brant Official Plan for over 20 years.

What is the total land area and extraction area?

- The total land area includes 203 hectares
- The total extraction will be for approximately 134 hectares

How much aggregate could be extracted from this land?

- Approximately 9 million tonnes of aggregate could be extracted from this land

What is the approximate lifespan of the Olszowka Pit?

- Given there is approximately 9 million tons of aggregate that could be extracted, the pit could have an operation life of at least 10 years.

What happens to the land after the pit operations are finished?

- It is proposed that upon completion of the extraction operations, approximately 70% of the area extracted will be rehabilitated back to agricultural fields and the rest will be rehabilitated into lakes, ponds and naturalized areas that could be used for aquaculture and other recreational land uses.

What background and studies have been completed?

- The subject lands have been identified of mineral aggregate resource significance in the County of Brant Official Plan for over 20 years.
- In 2012, the Official Plan Amendment and Zoning Bylaw amendment was submitted to the County of Brant and it included the following studies and reports:
 1. Planning Justification report
 2. Noise Study
 3. Hydrogeological Assessment Report
 4. Natural Environment Technical Report
 5. Archaeological Assessment
 6. Traffic Impact Study
 7. Air Quality Assessment
 8. Conceptual Entrance Improvements Plan
 9. Test Pit Location maps and logs
 10. Resource Assessment
 11. Site Plans
 - a) Existing Features
 - b) Operational Plan phases A to E
 - c) Sections
 - d) Rehabilitation Plan
- On November 21, 2012, a public information report to Planning Advisory Committee was

presented with respect to the proposed applications to receive input from the public and committee members.

- In January 2013, St. Marys submitted an Aggregate Resource Act (ARA) Application to the Ministry of Natural Resources and Forestry (MNRF) which identified how the licensing process would be completed and focused on the operational and rehabilitation details of the pit.
- On March 4, 2014, St. Marys provided an update to the Planning Advisory Committee with respect to the progress with the license application, planning application and agency reviews.
- On January 26, 2015, the Ministry of Natural Resources and Forestry issued a letter stating they were satisfied that St. Marys met the requirements in the Aggregates Resources Act including:
 - Meeting provincial standards,
 - Meeting noise guidelines as stipulated by the Ministry of Environment, Conservation and Parks.
 - There will be no significant impacts on water or natural heritage resources as a result of these applications.

When did St. Marys Cement hold public consultations?

- St. Marys held a number of public information sessions to address questions and concerns from the community including:
 - March 27, 2013: Focus on Groundwater Presentation
 - May 8, 2013: Focus on Natural Environment Presentation
 - June 5, 2013: Aggregate Recycling Presentation
 - June 5, 2013: Noise Mitigation Presentation
 - June 5, 2013: Dust Mitigation Presentation
 - October 16, 2013: Operation and Agricultural Rehabilitation Presentation
 - April 30, 2014: Traffic Presentation
 - June 5, 2014: Value of Aggregate Operations to the Community

When and why did St. Marys Cement take their application to the Local Planning Appeal Tribunal (LPAT)?

- In October 2017, during statutory public meeting, the Planning Advisory Committee made recommendations to Council to refuse both the Official Plan Amendment and Zoning Bylaw Amendment applications due to a number of concerns raised by the public and committee members.

- Before Council made their final decision, St. Marys appealed to the LPAT for a non-decision as the timeframe for making a decision had passed and St. Marys chose to exercise its appeal rights under the Planning Act.

When did the Local Planning Appeal Tribunal (LPAT) hearings occur?

- Prior to the LPAT Hearing, St. Marys engaged in settlement discussions with the residents which resulted in the some residents withdrawing from the LPAT proceedings.
- A Pre-Hearing Conference was held on October 11, 2018. A number of residents appeared and received participant status.
- The County of Brant and St. Marys engaged in discussions in order to resolve and address the concerns raised by the nearby residents, other members of the public and Council. Through this process, St. Marys addressed various environmental, noise, dust and traffic concerns.
- An oral decision was given on January 28, 2020 that St. Marys Cement Inc. was approved to operate the Olszowka pit given they abide by a number of agreements and regulations.

Why did the Local Planning Appeal Tribunal approve St. Marys Cement's application to operate a gravel pit?

- The Ministry of Natural Resources and Forestry (MNRF) had agreed that there is a need for aggregate and once St. Marys addressed the Ministry's concerns, the MNRF withdrew.
- The application is consistent with the provincially legislated policies such as the Provincial Policy Statement and the Growth Plan and also was in conformity with the Official Plan for the County of Brant.
- St. Marys was able to satisfy the requirements of the applications.
- St. Marys was able to satisfy the concerns expressed by the County of Brant.

What did the County of Brant achieve through negotiations with St. Marys Cement?

- St. Marys will fence the site and install a berm surrounding the extraction area to limit any noise/dust concerns to the neighboring properties. Additional landscaping and screening features will be provided as well.
- Although there are no significant negative impacts expected to wells (quality and quantity), if something unforeseen occurs due to St. Marys operations, St. Marys Cement is responsible to provide potable water to the residents.
- The archaeological assessment determined no adverse impact on heritage features on or within 120 meters of the subject lands. Prior to any activities on site, the archaeological resources will either be protected or excavated in accordance with the Ministry of Heritage, Sport, Tourism and Culture Industries' guidelines and procedures.
- Air quality and dust mitigation measures have been included in the Ministry of Natural Resources and Forestry Site Plans.
- The natural heritage features on the site will be protected and buffers will be established prior to any operations on site.
- St. Marys has agreed to provide left and right turning lanes on Bishopsgate Road to the satisfaction of the County prior to the start of the operations.
- St. Marys has agreed to study and review the feasibility of a conveyor system put in place between the two properties to transport material from west side to east side for processing and shipping. This will avoid any traffic interference on Bishopsgate Road. If this is not possible, traffic lights will be required to ensure motorists' safety.
- The haul route has been modified to address the public's concerns and the Traffic Impact Study has been accepted by the County of Brant. The haul route to access Highway 403 will be south on Bishopsgate Rd., east on Highway 53/Colborne St., and north on Rest Acres Rd to Highway 403.
- The Grand River Source Protection Plan determined 'There are no land-use or risk management policies applicable to these areas'. Under the Aggregate Resources Act, the Ministry of Natural Resources and Forestry considers, among other items, possible effects on surface and groundwater resources including impacts to drinking water sources before determining if a licence/permit is issued.

What measures are in place to address environmental impacts?

- There are no significant negative impacts expected to wells and if something unforeseen occurs as a result of St. Marys operations, St. Marys Cement is responsible to provide potable water to the residents.
- The archaeological assessment determined no adverse impact on heritage features on or within 120 meters of the subject lands. Prior to any activities on site, the archaeological resources will either be protected or excavated in accordance with the Ministry of Heritage, Sport, Tourism and Culture Industries' guidelines and procedures.
- Air quality and dust mitigation measures have been included in the Ministry of Natural Resources and Forestry Site Plans.
- The natural heritage features on the site will be protected and buffers will be established prior to any operations on site.
- The Grand River Source Protection Plan determined 'There are no land-use or risk management policies applicable to these areas within the source protection plan'. Under the Aggregate Resources Act, the Ministry of Natural Resources and Forestry considers, among other items, possible effects on surface and groundwater resources including impacts to drinking water sources before determining if a licence/permit is issued.

When will the pit operate?

- The extraction operation will be from Monday to Friday 7:00 am to 7:00 pm
- The shipping operation from Monday to Friday 6:00 am to 7:00 pm
- The processing operation will be from Monday commencing at 7:00 am and ending on Friday at 11:00 pm.
- No operations will occur on weekends, statutory holidays, and after 12:00 pm on December 24.

What if a member of the public has a concern about the pit?

- If a member of the public has a concern, a Liaison Committee comprised of County staff, St. Mary's Cement staff, Grand River Conservation Authority staff, Ministry of Natural Resources and Forestry staff and residents will work to resolve concerns.

Contact:

For project information:

Rob Trotter,
Director of Planning,
County of Brant
519.44-BRANT x 3020
Rob.trotter@brant.ca

For more information:

To review LPAT file (PL 171093), please visit: <https://elto.gov.on.ca/tribunals/lpat/e-status/>

Studies and submission documents are located on St. Marys' website at:
http://www.cbmcommunityinfo.com/the_olszowka_project_siteplan.htm