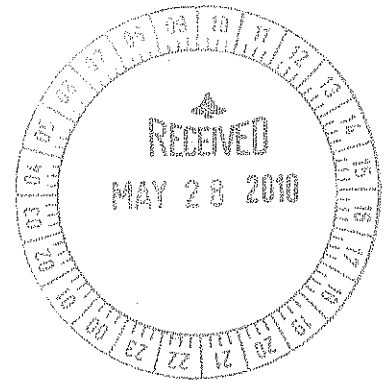




IBI Group
379 Queen Street South
Kitchener ON N2G 1W6 Canada
tel 519 745 9455
fax 519 745 7647



May 26, 2010

Mr. Jeremy Vink
Planner
Township of Woolwich
Engineering and Planning Services
24 Church Street West
P.O. Box 158
Elmira, Ontario
N3B 2Z6

Dear Mr. Vink:

**ZONE CHANGE APPLICATION 3/2009
2167534 ONTARIO INC. (KUNTZ TOPSOIL, SAND AND GRAVEL LTD.)
PROPOSED JIGS HOLLOW PIT
PART LOT 3, CROOKS TRACT WGR, TOWNSHIP OF WOOLWICH**

Further to the December 1, 2009 Public Meeting, we wish to provide to you supplementary information and trust that Council is now in a position to make a decision on the matter.

Peer Review Issues

1. Dust: As a result of the peer review completed by AMEC, SENES had an opportunity to both review their comments and have had dialogue with them directly in order to find reasonable solutions to the issues raised. As such, SENES prepared the following documents which are attached hereto: i) a Dust Assessment - Report Addendum (dated February, 2010), and ii) a summary letter (dated March 3, 2010) which provided specific recommendations to be placed on the Site Plans to address those issues. Specifically, the additional notes include:

Dust Assessment Recommendations

- 1) *The licensee shall maintain a visual monitoring program to ensure twice daily visual observations of the on-site roads and operations and of the off-site gravel roads are undertaken. Observation of dust emissions would require immediate mitigation measures to be taken.*
- 2) *The licensee shall use best management practices to mitigate dust including:*
 - a. *The Township of Woolwich currently applies a single application of calcium chloride to the off-site haul road on Peel Street and Jigs Hollow Road during the spring. In addition, Kuntz Topsoil, Sand and Gravel Ltd. shall apply a second application of calcium chloride during the late summer, and/or as directed by the Township.*
 - b. *All unpaved on-site haul roads shall receive an application of calcium chloride during the spring, and a second application of calcium chloride during the late summer, and/or as required.*

Mr. Jeremy Vink – May 26, 2010

which can more accurately display potential noise impacts. Due to the above, several changes have been made to the Site Plans which include:

- A reduction of the berm along Peel Street from 10.0 metres in height to 6.0 metres.
- An increase in the berm protecting 1129 Jigs Hollow from 2.0 metres to 5.0 metres.
- An increase in the berm/insitu material to encircle the crushing activity from 6.0 metres to 9.5 metres (from the pit floor).
- The removal of the 2.5 metres berm protecting 91 Peel Street.
- The processing area is to be a minimum separation distance of 450 metres from the residents at 110/114 Peel Street (Receiver G).

Public Meeting Response

As you are aware, after the December 1, 2010 Public Meeting, you received and forwarded to our office 25 letters (confirmed in correspondence to you dated January 4, 2010), from residents who live in the general Conestogo/Winterbourne area. As a response to comments/issues raised in those letters, our office submitted to you a letter dated February 11, 2010 which specifically addressed in total 17 comments/issues raised. Since that time, you have now received 7 letters from residents who have reviewed the latter and subsequently replied back to you.

Although we remain uncertain of the Township's process for dealing with resident letters received subsequent to the Public Meeting, we will continue to dialogue with yourself and trust that you will now recommend to Council that from a planning perspective, the issues raised by the residents have been addressed. Clearly if the residents remain unconvinced, they have future appeal options.

For the 7 subsequent letters received, they were from the following residents:

- Charles Dawson
- Jan Huissoon
- Larry Maki
- John Mowbray
- Bill Norrish
- Cindy Wilkins
- Andrea Zeller

With regard to the issues raised, we provide the following:

- i) Acoustic Assessment: Since the Township has been provided with a peer review (Valcoustics) of the initial IBI Group Acoustical Assessment and IBI Group has responded to the items raised, we trust that upon your peer review being satisfied, then staff and Council shall also be satisfied. Therefore, at this time we do not intend to provide further dialogue regarding letters prepared by J. Mowbray, C. Wilkins, L. Maki and J. Huissoon related to noise.
- ii) Dust Assessment: Since the Township has been provided with a peer review (AMEC) of the initial SENES Dust Assessment and IBI Group has responded to the items raised, we trust that upon your peer review being satisfied, then staff and Council shall also be satisfied. Therefore, at this time we do not intend to provide further dialogue regarding letters prepared by B. Norrish related to dust.

Mr. Jeremy Vink – May 26, 2010

- iii) Traffic Review: The traffic items raised (C. Dawson) relate to Regional Road issues and we continue to await final comments from the Region pertaining to traffic.
- iv) Property Valuation: Our response (Mowbray, Norrish, Zeller) was provided in the February 11, 2010 letter.
- v) Andrea Zeller: Concern that 2167534 Ontario Inc. is “only looking at fulfilling bare requirements”. I would remind staff that the standards being met are not arbitrary but rather they have been predetermined by a range of approval agencies including:
 - a. Provincial Policy Statement (PPS)
 - b. Region of Waterloo Official Plan
 - c. Woolwich Official Plan
 - d. Ministry of Natural Resources (MNR): relating to Provincial Standards for Site Plans under the Aggregate Resources Act
 - e. Ministry of Labour (MOL): relating to maximum pit face heights
 - f. Ministry of Environment (MOE): relating to: i) location of recycling activities, ii) permitted noise levels, iii) permitted dust levels, iv) use of dust suppressants, and, v) above ground fuel tanks (as per the Gasoline Handling Act).
 - g. Ministry of Culture: relating to potential future archaeological finds,
 - h. Woolwich Township (Engineering Dept) relating to: i) entrance/exit design/approval, ii) calcium treatment of haul road, and, iii) ongoing upgrading of haul road.

Based on the above, we are of the opinion that we have met or exceeded these required thresholds for land use compatibility.

- vi) We note that Ms. Cindy Wilkins did not provide a letter subsequent to the December 1, 2009 Public Meeting presentation but rather forwarded her comments to the Township some 3 months later (March 3, 2010). Nonetheless, for your information, we shall respond to those comments as follows:
 - 1 (iii) Noise: refer to i) above.
 - 1 (iv) Dust: refer to 1 above.
 - 2 (ii) Environment: refer to the GRCA Clearance letter (March 23, 2009) and Region of Waterloo Clearance letter (November 30, 2009).
 - 3 (i) Potential Fuel Spills: Refer to Operational Note 5. Furthermore, the ARA Provincial Standards under Prescribed Conditions for Category 3 licenses, (3.5) notes: “A *Spill Response Plan* will be developed prior to site preparation”.
 - 4 (i) Scrap: refer to Operational Note 20 that specifies scrap removal will be at a minimum annually.
Groundwater Monitoring: Refer to Recommendations for Technical Studies – Hydrogeological Recommendations, Note 1 whereby all monitored results are submitted, not just exceedances.
 - 4 (iii) Hydrogeology: Final Regional clearance re: groundwater is being sought.
 - 5 (i) Land Use Compatibility: The February 11, 2010 letter did not express the opinion that extraction was similar to farming, but rather (and given that aggregate resources must be extracted where they were deposited), that the proposed pit activities have been mitigated to a threshold where impacts are minimal.
 - 6 (i) Our comments in the February 11, 2010 letter stand as correct.

Mr. Jeremy Vink – May 26, 2010

- 13(i) Haul Road Maintenance: Refer to Operational Notes 3, 5 and 6 relating to the Licensee commitment to up-keep the applicable haul road. Second, the per tonne contribution value to the Township (via The Ontario Aggregate Resources Corporation [TOARC]), is a function of the relatively small annual production from this pit.
- 13 (vi) The majority of the material to be imported will be for blending with insitu material and therefore it will not increase the overall daily truck numbers.
- 13 (vii) The comment by Ms. Wilkins is partially correct insomuch that the pit operator can't guarantee that the trucks will comply with traffic limits outside the pit. However, the reference in our February 11, 2010 letter confirms that such drivers are equally required to follow the Highway Traffic Act as any other drivers must. Second, Kuntz Topsoil, Sand & Gravel Ltd. does have a fleet of their own trucks and these trucks are able to influence compliance.
- 16 (v) Refer to the Planning Summary Report Section 4.2 insomuch that the top portion of the lands do not contain commercially viable aggregate. If these lands were to become deemed commercially viable, a subsequent Zone Change planning process (with public consultation) and an ARA Site Plan Amendment process would be required.
- 17 (i) The maximum annual production will be capped at 150,000 tonnes, however, the licensee anticipates that actual annual production will be closer to ½ that volume annually (75,000 to 90,000 per year). The larger volume will be available to accommodate cyclical spikes in construction activity. The result is that although the pit will generate about half the annual maximum production total, the pit therefore has been designed with about twice the attenuation and mitigate features that will be necessary to accommodate typical extraction levels.
- 17 (iv) Enforcement: The annual Compliance Assessment Reports (CAR) are required to be submitted to MNR as well as the upper tier municipality (Region of Waterloo) and to the lower tier (Woolwich Township). Second, information regarding, annual tonnage volumes are submitted to TOARC and individual pit information is deemed confidential and is not available to the general public (i.e., except via the Freedom of Information Act). In terms of confirmation of pit tonnage accuracy, TOARC can and does undertake audits related to on-site weight scale information against production.

Other Township Issues:

- i) Traffic: We appreciate that at this time you are awaiting the Region's review of the Traffic Operations and Safety Review. Furthermore we have learned indirectly that the Region has embarked on a more comprehensive review of traffic issues, although we are at a loss to understand why this information was not relayed to us as it involved this specific application and it has now caused a delay in our planning process. Second, the initial traffic documents provided to the Region did address cumulative impact of the pits (as required), however based on previous growth values. We are currently awaiting the findings of the Regional review.
- ii) Natural Environment Report: Given the GRCA has provided a Clearance Letter dated March 23, 2009 and the Region of Waterloo provided a Clearance Letter dated November 30, 2009 regarding their acceptance of the Natural Environment Report (Dance Environmental), we trust that Woolwich Township staff confer that the Site Plans have mitigated any impact to the natural environmental.

Mr. Jeremy Vink – May 26, 2010

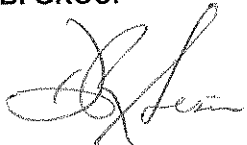
- iii) Evaluation of Haul Road: Since the submission (and acceptance) of the Zone Change application on April 28, 2009, we have not received any communication from Woolwich Planning staff regarding the geotechnical investigations undertaken by Chung & Vander Doelen on the proposed haul road (Peel Street, Jigs Hollow Road), and summarized in their report entitled Road Evaluation of Jigs Hollow Road. Given the absence of communication on this issue, we must assume that the findings of the report are satisfactory and that the Site Plan notes which address initial and ongoing maintenance of the road are satisfactory to Woolwich Engineering staff.
- iv) Aggregate Resource Inventory: Since the submission (and acceptance) of the Zone Change application on April 28, 2009, we have not received any communication from Woolwich Planning staff regarding the aggregate resource inventory undertaken to confirm the quality and quantity of the local deposit. Given the absence of communication on this issue, we must assume that the findings of the inventory are satisfactory to Woolwich Planning staff.
- v) Hydrogeology: MNR has provided their clearance regarding groundwater issues and Mitz & Associates Inc. has provided a response to the Region regarding several questions they provided in their letter of February 2, 2010.
- vi) Archaeology: The requisite approval of heritage impact assessments is under the auspices of the Ministry of Culture and the completion of these assessments is a requirement of the Regional Official Plan, however, the Woolwich Official Plan further requests same. As you are aware, a Stage 1 and 2 Heritage Impact Assessment was completed by Archaeological Research Associates Ltd. and attached hereto is a copy of the Ministry of Culture Clearance Letter.

Once the Region provides the Township with their comments regarding traffic and groundwater, we assume that this application can be scheduled at the next available Council Meeting for Council consideration.

If you have any questions please feel free to contact me.

Yours truly

IBI GROUP



David R. Sisco, BA, MCIP, RPP
Associate, Principal – Planning

DRS/baw
Encl.

cc: Ray Kuntz, 216734 Ontario Inc. (Kuntz Topsoil, Sand and Gravel Ltd.)