



To: David Welwood, Jeremy Vink

Cc: Karen Redman - Regional Chair, Sandy Shantz - Mayor Woolwich Township

Re: Proposed Capital Paving Gravel Pit – Shantz Station Rd. – Response by Riverstone Environmental to Peer Review of Beacon Environmental

The Hopewell Creek Ratepayers Association (the “HCRA”) has been awaiting Capital Paving’s response to the numerous and serious issues raised in Beacon Environmental’s Peer Review Report, dated April 29, 2020, on behalf of the Region. We have now had the opportunity to review the response prepared by Riverstone Environmental, dated August 28, 2020, on behalf of Capital Paving. We will reserve comment on technical environmental issues; they are matters for the Region’s Peer Reviewer. However, we must raise concerns with Riverstone’s response to Beacon’s Primary Issue: “the NER does not include an assessment of site access alternatives that avoid impacting Core Environmental Features and associated ecological functions...”

Riverstone says in its one paragraph response to this primary issue: “a ‘comparative analysis’ of alternative site access options was not included in the original NER because the other alternatives had been eliminated by the proponent for reasons other than ecological”. This response, proffered on behalf of Capital Paving, displays a breath-taking level of arrogance. Capital Paving is basically taking the position that they excluded other alternatives for reasons that they need not reveal. We ask: were the other options too costly to the company?; would they require Capital Paving to spend money on noise and dust and traffic studies that they do not want to do? Would Capital Paving prefer not to deal with a raft of issues that would cost them just too much

money? It appears they would rather push an access route through an environmentally sensitive area with impunity.

This response is simply not satisfactory to anyone other than Capital Paving. Beacon Environmental set out in some detail why Capital Paving is **obliged** by the Terms of Reference (“TOR”) for the Environmental Impact Study to evaluate alternative site access option. Capital Paving is also **required** by the Region of Waterloo Official Plan (“RWOP”) and the Township of Woolwich Official Plan (“TWOP”) to complete such an evaluation.

Item 6 of the EIS TOR states: “In conjunction with assessments undertaken through the planning analysis and traffic study to assess planning, land use, social and technical considerations, an evaluation of potential internal haul roads **will** be undertaken from the perspective of potential ecological impacts including any impacts of widening the existing private road and alternate access points” (emphasis added). Item 6 is mandatory; it does not say that Capital Paving may do such an evaluation only if they so choose.

Item 8 of the TOR for the EIS also provides that all applicable policies of the RWOP must be addressed in the EIS. Beacon Environmental thoroughly demonstrates in its peer review that as the NER does not include a comparative analysis of alternatives for the proposed access road “...the NER has not satisfied Item 8 of the TOR and by extension does not meet the requirements of RWOP Policy 7.G.4. This policy clearly provides that “reasonable alternatives to the proposal” and “alternative designs and/or methods of carrying out the proposal with less adverse environmental impact” must be considered in an EIS. “A comparative evaluation of the alternatives...in terms of anticipated adverse environmental impacts and other relative advantages and disadvantages” is required. Capital Paving may not simply say “other alternatives had been eliminated...for reasons other than ecological”. Capital Paving, like any other proponent of a development, must adhere to the requirements of the RWOP.

Furthermore, RWOP policies 13.4.4 and 13.4.5 apply to the construction of infrastructure like an access road to a pit operation within or adjacent to a Provincially Significant Wetland (“PSW”). The EIS must assess the level of potential impact of the access road on the PSW **and** demonstrate that other alternatives that are less impactful have been considered but determined to be less feasible from a technical, environmental or financial perspective. Again,

Capital Paving cannot, through Riverstone Environmental, say that they have eliminated other alternatives for an unstated reason other than ecological. That bald statement demonstrates a complete failure to take the requirements of the RWOP seriously. In the view of the HCRA, that failure demonstrates Capital Paving's lack of regard for the policy regime under which it hopes to operate. Even worse, it demonstrates a careless attitude to environmental concerns. "Reasons other than ecological" drive their application in the words of their environmental expert. We are left to assume that cost and convenience drive their decisions. That is **not** what the provincial or municipal policy regimes permit. It is not what the TOR of the NER envisions.

In failing to take the policies of the RWOP seriously, Capital Paving has not complied with relevant policies. If for no other reason, Capital Paving's application should be denied by the Region. A proponent like Capital Paving is not permitted to choose the policies which they will follow; they must follow all policies.

Capital Paving has also chosen to ignore policies of the Township contained in its Aggregate Resources Policy, found in Chapter 11 of the TWOP. Policy 11.11.4 requires that a Transportation Impact Study ("TIS") evaluate alternative access roads. An identification of the haul route with the least impact is required. Capital Paving submitted a TIS which Beacon has reviewed with an eye to environmental concerns. Beacon concludes, and the HCRA agrees that Capital Paving has not discharged its responsibilities pursuant to the TWOP.

The HCRA trusts that the Region will refer Riverstone's lack of a serious response to Beacon's Primary Issue 1 back to Beacon for further review. We trust that the Region and the Township will not permit Capital Paving's application to move forward until a proper response to Primary Issue 1 is forthcoming. If Capital Paving chooses to continue to ignore an extremely important environmental issue raised in a thorough, professional peer review it should not hope to proceed. If Capital Paving continues to refuse to address the issue of alternative site access as required by the applicable Regional and Township planning regimes its application should be denied by both the Region and the Township.

Thank you for your attention in this matter.

Bonnie Bryant

Susan Campbell

Hopewell Creek Residents Association

-  *Safe and Healthy Communities*
-  *Protection of our Ground Water*
-  *Preservation of our Environment and wetlands*
-  *The Values of the Township Official Plan*
-  *Preservation of our Cultural Heritage*
-  *Protecting our Prime Agricultural Farmland*