Applicant: Bre-Ex Limited
ERO number: 019-9358
ARA Licence number: 2101

24 January 2025

Attention Applicant,

We appreciate you providing us notice in relation to this application, and the ability to provide comments. Our comments below are those of a neighbour looking for clarification on the amendment process, and in no way intend to compromise the applicants business as a direct competitor. We support the opinion that it is in the best interest of the province to maximize aggregate resource extraction from already licenced sites, especially when those resources are so close to market. We also encourage the practice of minimizing the distance excess soil must be transported from source sites, and agree the proposed rehabilitation plan has the potential to alleviate environmental impacts associated with depositing material at alternative sites further from its source.

We have the following questions regarding the potential for off-site impacts associated with the proposed Site Plan Amendment.

1. A Fill Management Plan was not included in the Amendment Application Documents.

- Will the subject site be required to provide such a report, and must it be prepared by a Qualified Person prior to approval?

2. The proposed Rehabilitation Plan suggests surface water will be directed to and contained within the North-East corner of the property. Based on the proposed contours, we are of the opinion that the grading plan will direct a significant amount of the subject sites surface water towards our property, contradicting the direction noted on the plan. The proposed 3:1 side slopes and negligible slope from west to east on the subject site fails to provide us with confidence needed to believe sediment and other pollutants will not migrate off-site (both during rehabilitation as well as after rehabilitation is complete). Furthermore, the proposed plan does not indicate any interim earthworks or sediment and erosion control measures such as fencing, berms and drainage swales will be constructed along the property boundary.

- Will these types of control measures be implemented to ensure material is contained within the site during rehabilitation?
- Will final elevation contours on the proposed Rehabilitation Plan be revised to outline a more significant slope from west to east on site will be established?
- Will final elevation contours on the proposed Rehabilitation Plan be revised to outline the subject site will not have side slopes on the north and west boundaries that direct drainage off-site, and instead direct all surficial drainage internally?

3. The Hydrogeological Assessment Report provided with the Amendment Application Documents only addresses the activity of below water extraction. This document does not assess the other proposed activities including backfilling of material below the water table, importing liquid soil to site, and changing the Site Rehabilitation Plan to an industrial end use.

- How will these items be addressed prior to approval?

4. Within the Amendment Application Documents, there is no mention as to how the site will be monitored to ensure there are no off-site impacts from the proposed activities. Being a direct neighbour to the subject site, we have concerns about the potential for pollutants to migrate onto our site. We are particularly interested in how surface water, groundwater, and sediment will be contained to site during the rehabilitation process. The proposed Site Plan only notes the final site elevations rather than a plan detailing interim specifications of site contours while rehabilitation occurs. As our sites share a 0m setback, the potential arises for both sites to be extracting below water at the site boundary, and the on-site "ponds" combine to be a single larger waterbody before being backfilled/rehabilitated. Based on this information, we have the following questions:

- Will we be provided the opportunity to review a report detailing how the potential for off-site groundwater and surface water impacts are to be monitored/mitigated?
- Would such measures include the installation of monitoring wells and surface water sampling points near the perimeter of the subject site to adequately isolate the conditions of the two sites?
- What process will be implemented to ensure accountability of the subject site should off-site impacts be observed?
- To address the potential for future legal disputes, what protocol will be implemented to eliminate discrepancies associated with determining the source of any off-site impacts observed on a neighbouring property?

Additionally, we are looking for clarification on how the proposed amendment could impact the Common Boundary Agreement we share with the applicant. We would like to confirm that although extraction below water within the common boundary will be permitted on both approved Site Plans, it would only be allowed if the Common Boundary Agreement is revised to include the activity.

Beyond the site-specific items noted above, we also seek clarification on the processes associated with permitting the following activities as it relates to the Site Plan Amendment process.

1. Adding the activity of importing liquid soil to the approved Site Plan.
2. Within the Supplemental Land Use Planning Considerations document, it notes the changes proposed to rehabilitation of the site, but that no Zoning By-law Amendment is required related to this proposal. Based on the Amendment Application Form, the basis for this change was to “ensure there is flexibility for the after-uses of the site that align better with Bre-Ex’s business operations”. How does the MNR review/process this request to change the end use to a less sensitive land use (Industrial from Farmland)?
3. Would approving the change in end use enable the subject site to import excess soil with less stringent criteria than what is currently permitted? If so, would a similar amendment application to change an end use permit any sites licensed under the ARA to import these additional materials so long as the site shares the same zoning designation as this subject site?

Thank you for taking the time to review our comments. We look forward to hearing your response.

Regards,