

THE CORPORATION OF THE TOWNSHIP OF HORTON

INFORMATION MEETING

**PORTABLE ASPHALT PLANT
JAMIESON GRAVEL PIT**

SEPTEMBER 19, 2011

There was an Information Meeting for neighbors of the Jamieson Gravel Pit for Miller Paving's plan to install a portable asphalt plant in September held in the Municipal Council Chambers on Monday September 19, 2011. Chairing the meeting was Vincent DeRose of Borden Ladner Gervais, the Township's Law Firm. Also present were Tom Jones, Property Manager of Miller Paving, Kyle Strawberger from the Ministry of Environment and Brad Eckert from the Ministry of Environment. Invited but unable to attend were representatives from the Ministry of Natural Resources. All council members were also present. Staff present was Mackie J. McLaren, CAO/Clerk.

1. CALL TO ORDER AND WELCOME

Mayor Don Eady called the information meeting to order at 7:00 p.m. and welcomed everyone to the meeting.

2. INTRODUCTION OF VINCENT DEROSE

Mayor Eady introduced Vincent DeRose as a representative on behalf of our Township's Lawyer, Janet Bradley who was unable to attend and chair this meeting.

3. OVERVIEW OF MEETING

Mr. DeRose gave a brief overview of how the meeting would unfold.

4. OPENING COMMENTS

Mr. DeRose introduced Brad Strawberger and Kyle Eckert from the Ministry of Environment and Tom Jones from Miller Group and called on them to give an opening comment.

Brad Eckert - MOE

Mr. Eckert informed the public that on September 6, 2011 he received notice of relocation from Miller Paving to move their portable asphalt plant from their Braeside quarry in McNab/Braeside to Horton. The portable plant received its certificate of approval in 1992 and has traveled around the province since then. In 2009 it set up in the Braeside quarry. It left in 2010 but returned later in 2010 until now. It will be operational shortly. The plant has rules to operate which are conservative because they cannot monitor each site daily. The plant meets the requirements required in its certificate of approval. Miller has followed the best management practices at the Braeside quarry and anticipated that this will continue. They will monitor the property to ensure that the plant conforms.

Tom Jones – Miller Paving

Tom Jones introduced staff members present. Glenn Martin, General Manager of Smiths Construction division of Miller Paving and Jason Rosener, Manager of Pits and Quarries for Smiths Construction. He said they want to be good neighbors and satisfy the neighbors' concerns.

Mr. DeRose noted that the Ministry of Natural Resources will not be represented this evening. He described their responsibility for the property being dust on the road from trucks. He asked the CAO/Clerk to read out the phone number for the Ministry of Natural Resources contact which was done.

He noted that Horton Township has a noise By-Law and they are responsible for noise from the pit as well as hours of operation.

5. REVIEW WRITTEN QUESTIONS WITH VERBAL RESPONSES FROM APPROPRIATE PERSON

The following questions were submitted prior to the Meeting. The CAO/Clerk read the following questions which were answered by representatives present.

1. Brad Eckert was here for the old asphalt plant with others plus Steve Burns and said that it ran legal under the Act. But when EBR made them do the air test it did not pass. The new Act 419/05 says you cannot pass it by looking at it. It has to be tested before it can be operational.

Brad Eckert stated the old plant is different from the portable plant. The portable doesn't haven't to be tested each time it is set up. When tested for the certificate of approval, 60 meters separation distance from the closest resident was required. The location that Miller Paving are setting this plant up is 450 meters from the closest house. Regulation 419/05 is a new Air Regulation that was approved in 2010. It sets out a new protocol for testing of emissions. An Air Engineer is reviewing the location at the 450 meter separation to ensure that it is satisfactory. If concerns arise they will be assessed. There is a capacity of 20% particulate emissions under the regulation. With the plant now operating in the cooler weather there may be some steam seen from the stack.

2. Ground Water.
What do you call lots of water? When you can find water from anywhere in the pit floor within 2 feet. Also in the spring the water rises up onto the pit floor.

Mr. Eckert advised that there is shallow ground water below the pit floor approximately 1 meter below. Most of the time the site is dry. There is a source water pit that is closer to the water table. He noted that Miller Paving have added 1 to 2 meters of fill to increase the floor to 1 to 2 meters above the pit floor, which is a substantial distance. In the Spring the water level fluctuates.

Tom Jones added that Miller Paving have not experienced any water in the Spring when they operate and that they wouldn't operate in the Spring if it was wet. They wouldn't jeopardize the ground water. He also noted that Whitton Road is posted as 5 tonne per axle limit in the Spring.

3. Brad Eckert said he has no legal control on dust from trucks. Appendix 4 – fugitive air emissions plus MNR has responsibility for control.

Mr. Eckert said the Ministry of Environment is responsible for the operation of the pit. There could be dust in the area that they control. MNR have conditions on the license site plan for the operator to provide adequate dust control. Miller has a plan in place. Fugitive dust is from the movement of equipment and trucks on site and from stockpiles from the wind. Non fugitive dust is from the asphalt plant.

4. Washer Stone
Last time I saw this operation, why is there a pipe that lets wash water back into the source?

Plus, what were the changes that were made? Now you can hear the operation way more than before. Even when the wind blows away from my home I (Ron) could hear it down by O'Brien Road.

Brad Eckert explained that there are no non compliant issues with the wash plant and that this meeting is not here to discuss this. The wash plant has met all tested requirements.

Tom Jones added that he is not aware that any noise would be coming from the wash plant. He added that the wash plant has been approved. They have a source pond to pump water into the two ponds with the wash plant.

5. The only way to help stop causing erosion on the residential lots is to put in a proper ditch so the water off the hill doesn't run on the neighbour, because the drain is blocked in more than one place.

Mr. Jones said that they will look at the situation on site. Water comes onto their property from the Township ditch and leaves through a tile drain.

6. Berms and Grass Cutting
Aggregate Resources Act, chapter 23, 70289.516. This part calls for orderly condition and also stay planted, not let weeds grow.

Mr. Jones says he does not have a copy of this section that is referred to in the question but he is aware that orderly conditions are part of their responsibility. National regeneration is a normal option used frequently as it uses natural plant life rather than non native seeds. He believes there are running an orderly site and they did some recent grass cutting.

Jason Rosener added there were two site inspections this summer by MNR and no issues were pointed out.

Chair DeRose noted that the minutes of the meeting held with the Mayor on September 8th 2011 that were included with the invitation of this meeting speak to this as well.

7. When the plant is operating and the filter bag is full, what happens when a cloud of dust comes out of the system?

Mr. Eckert said the plant has the best dust control available. Fabric filter emissions from the dryer. The emissions build up on the fabric and clean air goes out the stack. It is very effective. If there ever was leakage it would come from a torn bag. The operators watch for this and do regular inspections to see if a bag is leaking. If so, the plant is shut down and it is repaired. Usually though this doesn't happen and filters are changed during annual maintenance procedures.

Chair DeRose noted that this is the end of questions from one individual. He then called on the CAO/Clerk to read the questions from a second individual.

1. Dust and mud that comes from pit to road was there before the new scale was put in. So to pave the scale ramps will not solve the problem. So what solution are Millers looking at? This has been an ongoing problem for years and Tom Jones said he was going to fix it a couple of years at a visit at my house. While a couple of years have passed and still not fixed.

Tom Jones said he recalled the conversation referred to in the question. He stated that paving the ramps will help solve the dust problem. They are also instituting more drainage along the entrance so water will be directed to the road ditch. They will discuss the road ditch shortly with the Township. They have installed larger scales for tractor trailers for less truck traffic in a new location and the temporary ramp right now has been surfaced with recycled asphalt.

2. Miller are saying they will leave the tower of the old asphalt plant up. So is that in the storage area of the pit? If not, why not? And is there a zoning issue with taking down, or if all the plant is taken down and in the future they want a new/used plant put back in they would have to apply for a new C of A or license.

Brad Eckert noted that under the C of A for the old asphalt plant is not operational. If they rebuilt it as exactly as it was before, they could operate under the old C of A. They would have to amend the C of A for a new permanent plant. This is not applicable in this situation.

Mr. Jones noted that they are cleaning up equipment except for the tower in October. They started today with a scrap dealer in to look at the material. The tower is a significant investment. They will leave it there until a decision is made what to do with it. He noted that this plant had a wet collector system and it not as good as the bag house system used now.

3. How many of Horton Council/Mayor/Clerk has been to Millers to see the property that they are talking about?

The CAO/Clerk responded that he has not seen the site since the previous issue on asphalt plants which was approximately 12 years ago. Mayor Eady said he has walked through the pit on occasion. Glen Campbell said he has never been on site. Margret Whyte said she has never been on the private property and would never trespass. Bob Kingsbury said that he has not been on the site and he would only go upon invitation. Jamey Larone said that he has not been on site and would also only go upon invitation.

Mr. Jones says Miller Paving is very open to welcome to any visitor with notice. They need a host to accompany a visitor through the site for safety purposes.

4. If they put in a plastic liner under the fuel tank, can the liner handle the volume that is stored in the tank?

Mr. Eckert says the fuel tank is a new double walled tank, skid mounted approved by TSSA(Technical Standards Safety Association) for mobile systems. They have changed the tank from the fuel mounted wheel tank. It meets all standards for spill protection and safety. The liner is there to catch small drips; it is not expected to catch catastrophic failure of the tank.

5. How much soil is there between the surface of the pit to the water table? Is it enough to keep oil/fuel from getting into the water table? How much soil is needed?

Mr. Eckert says that now Miller's have added fill to the floor of the pit that there are several meters between the floor and the shallow ground water. There are no specific requirements of soil depth. If a spill happens, the Ministry expects the company to remove the entire spill from the site. As long as the area is not flooded there is no concern.

6. Where is Reg 419/05 or Reg 346 – 349? Is it the discretion of the Officer? Same for MNR?

Mr. Eckert explained that regulation 346 is the old Air Regulation that has been replaced in most part by 419/05. Regulation 349 is a very old asphalt regulation. Now it only controls how long a plant can remain on a site, which is one year, and visible emissions permitted. Under this regulation they cannot impinge off the subject property.

Chair DeRose noted that the Ministry of Environment would be able to advise where to find the E Laws website.

7. Site plans for pits – are they a legal document? And if so, why is the site not up to the site plan? Wasn't all pits to be up to par?

Mr. Jones suggested that this is a question for the Ministry of Natural Resources however he noted that the site plans are legal documents under the Aggregate Resources Act. The Aggregate Resources Act came into effect in 1997 replacing the former Pits and Quarries Act. Since 1997 reporting has been an industry responsibility. September 30th of each year a compliance report has to be submitted and if not compliant the operator has 90 days from September 30th to resolve non compliant issues. If the pit is not compliant, it cannot operate.

8. MNR and MOE working hours are what? So who polices the company when they are not on call?

Mr. Eckert explained that the standard working hours for the Ministry of Environment are 8:15 – 4:30 during the day. If issues come up after hours there is a 24 hour spills or incidents toll free number 1-800-268-6060. It is answered and if deemed for someone to attend immediately, someone is on call in every office.

Mr. Strawberger noted that he is one officer who does attend sites after hours and he is on a rotating shift from 12 noon to 9:00p.m.

9. Why can't the Township make by-laws about asphalt plants? Instead of letting the company tell the Council (how and what) they are going to do.

The CAO/Clerk advised that the Township does not authority over asphalt plants and explained the hierarchy of government authorities with the Ministry of the Environment and Ministry of Natural Resources controlling asphalt plants and gravel pits.

10. Does the portable plant need a new C of A? Reg 346 general info (41) chapter 1 - what requires approval (1-1).

Mr. Eckert said the portable asphalt plant has been under the Ministry's review since it came to the Braeside Quarry. It was in other districts before and there were no issues identified with the plant since 1992. If this particular plant was to be made permanent it would then have to have a new C of A or amendment.

Kevin Mask asked from the floor, what the word amendment means. Mr. Eckert said it means to change something. The C of A sets out equipment and rules of operation. If you want to change this you would request an amendment which opens up the C of A process for consideration. The change goes on to the EBR website of the Ministry of the Environment as a public posting. There is 30 days for responses. Public comments are reviewed by the approval division of the Ministry.

Mr. DeRose reviewed various types of amendments.

6. REVIEW PROCEDURES FOR QUESTIONS FROM THE FLOOR

Mr. DeRose reviewed the procedures for asking questions at this meeting. All questions are to be directed to him. Only one question at a time to allow everyone an opportunity to ask a question and then if time permits a second or third round of questioning can take place.

7. 30 MINUTE QUESTION AND ANSWER PERIOD

Barry Hanniman noted that the portable asphalt plant has to be removed at the end of one year. Will Miller apply for an amendment for a second year?

Mr. Eckert said the one year is permitted under the Certificate of Approval. They are required to move the equipment off site at the end of 365 days. The plant can be brought back in later for another 365 days of operation. If the operation was then a permanent plant it would open up the C of A and provide the assessments required.

Mr. Hanniman asked if the residence would be advised if this took place.

Mr. Eckert said the only method of advising is through the EBR which is electronic only however you can have a watch list set up with EBR to alert you daily on changes to the EBR website.

Eric Dougherty noted that the temporary asphalt plant is for a specific job. Where is the nearest permanent plant? Does the capacity of the portable plant satisfy requirements of Highway 417 construction?

Mr. Jones said yes, the plant has been in use placing asphalt on Highway 417 for the phases constructed to date. The nearest permanent plant is in Petawawa that is owned by Miller's. It is not close to the market as this is a time sensitive product and it not the size of a plant that could provide this kind of job.

Mr. Eckert also noted that there are two plants in the city of Ottawa, one on Highway 7 and one on Carp Road.

Ron Mask asked if the permanent license on the old plant affects this plant.

Mr. Eckert said the permanent Certificate of Approval only affects the plant that it is approved for. The Certificate of Approval for the old plant, since it is not working, is not in effect unless the plant wants to re-open.

Mr. Jones said as an example, if they wanted to open up the old plant, they would put in a bag house emission collector rather than the wet scrubber that is there now.

Kevin Mask asked if they took down the old asphalt plant would they give up the Certificate of Approval. Would it meet zoning requirements?

Tom Jones said the pit is zoned for a permanent plant. Any replacement permanent asphalt plant would require a Certificate of Approval before it could operate.

Ron Mask asked that they don't want any operation on Sunday. They need their peace and quiet for one day per week.

Henry Moore commented that he uses the road on Sunday. He pays taxes, as do the truckers.

The CAO/Clerk informed the public that the township does have a noise by-law that sets out the hours of operation for construction, between 6:30 a.m. and 8:00 p.m. On Sunday, construction cannot begin before 9:00 a.m. An amendment to the by-law would be required to restrict Sunday operation.

Mr. Jones said as a company they do not operate on Sunday. Over the last two years there were two situations where they did on Sunday due to emergencies on Provincial Highways. He added that their employees need that day off. Saturday they work short hours and do maintenance. He noted the Township can amend their by-law to restrict Sunday use; he would not want to target one industry.

Barry Hanniman asked if today was any indication of the amount of traffic they could expect to see during the production of asphalt. He estimates 50 trucks per hour today.

Mr. Jones said they are building up their volume of inventory of gravel for two or three days.

Glen Martin added that production would have a similar traffic volume.

Kevin Mask noted that the speed limit on the road was 60km/hour. Someone in a white Miller truck travels very fast.

Tom Jones said that he will investigate.

Kevin Mask asked about jake brakes on the trucks.

Mr. Jones says employees and brokers have been asked to adhere to the Highway Traffic Act which includes speed. Jake brakes are under a policy they have that are not to be used. He wants to know when this happens, and the license plate number would be helpful.

Ron Mask noted that one or two were using jake brakes today.

Eric Dougherty noted the plant was set up for a number of years in Braeside. They were bringing in material. Why did it move out of Braeside? He heard noise was an issue and that was coming from an onsite generator. Will this plant be powered by a generator and hours it will operate?

Mr. Jones says Miller's do not do business in the media. They have no control over the facts from the paper. They have two generators. One is part of the plant; they need to provide electrical power to the plant. There is an auxiliary generator at night for keeping the asphalt plant and the tanks warm and for security lights. Both generators have had noise testing and are well below the required noise levels. A large generator could be heard at some distance, but if there is problem they will carry out a study.

Kevin Mask noted that there has been mud on the road. He said paving the ramps on the scale and the front area all you want, will not solve the problems that were discussed four years ago.

Mr. Jones says now that there is an asphalt plant at Jamieson's they will address all the issues.

Mr. DeRose called for additional questions as there was still time in the 30 minutes question and answer period and there were none.

8. WRAP UP

Mr. DeRose thanked the residents for all their questions noting they were well thought out.

Brad Eckert noted that the Ministry of Environment will continue to monitor the plant. They have a lot of experience with this plant. People can call the company directly or call their office at anytime and their concerns will be addressed.

9. CLOSE MEETING

Mayor Eady thanked all the people in attendance for their questions and for their answers to their best of their abilities. He pointed out that the Township does not have responsibility to address problems that are not within our jurisdiction.

Mr. Jones encouraged people to communicate with them before they go elsewhere. They want to be good neighbors. They have a complaint response protocol and they take complaints seriously.

Mr. Eckert said complaints can be taken directly to them.

Mayor Eady suggests that people direct their questions to the source of the concern.

Mayor Eady called upon a resolution of Council to close this meeting.

Moved by Robert Kingsbury, Seconded by Margaret Whyte
That this Information Meeting be now closed at 8:27 p.m.

Carried.

Mayor

CAO/Clerk