

# Quarry Covenant Review

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**June 9, 2019**

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Big Bald Lake Cottagers' Association

Assembled by the BBLCA Board & Quarry Committee notes

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## Board Statement:

We, the board members of Big Bald Lake Cottagers' Association, have been asked to bring forth a proposal from the Milkhouse Quarry to our members to vote on. As this is an important decision for our community we have gathered as much information from both sides to help us make this decision together. However, depending on where you live in proximity to the quarry you could have different opinions on noise vs traffic concerns, and we hope that no matter what the final decision is that we can continue to enjoy our lives on the lake with each other in harmony. Our goal is to continue to develop a thriving community on Big Bald Lake, to do everything in our power to ensure our natural environments are protected.

## Question:

**Should we negotiate new terms for the aggregate stone covenant that expires on August 15, 2031?**

### FACTS:

Current Status of Milkhouse:

- The quarry has never been opened
- It is licensed for 1.5 million tons annually
- It is currently licensed for the extraction of dimension landscape stone
- The covenant prohibits the extraction of aggregate stone.

Mr. Slobodian is stating that dimension landscape stone is a noisier extraction than aggregate, he states the following in an email to the BBLCA president, Glenn Joray:

We are planning to start operations at Milkhouse in June operating as a landscape dimension stone quarry.

As you may have observed our current dimension stone operation on the east side consists of the following:

- A) Daily blasting**
- B) Two separate drills operating daily**
- C) Eight excavators**
- D) Seven wheel loaders**
- E) Rock Guillotine with diesel power unit ( runs all day )**

All our moving equipment contains back up alarms which carry a high piercing sound over a fair

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distance.

If we could agree to have the covenant discharged **I would try** and get a construction aggregate company to start operations which typically involves one loader. **We would agree that any back up alarms would be upgraded to the white noise system** which are expensive but do not carry sound over distances as the current safety approved models used.

I would also agree **that all rolling stock be equipped with white noise back up alarms. Berm heights would be built and maintained to adequate spec. according to noise engineering consultants.** As you have seen, crushing is down in the hole and the rock face itself serves as a sound barrier. **Typically blasting** at Stonescape construction aggregate side **only occurs 3-4 times per season and lasts about 3 seconds per blast.** The stone is typically crushed over 2-3 weeks' time and then the stockpiles are shipped using a single loader and the crushing crew moves out and to another site.

This type of operation **produces far less noise and the site plan insures that dust control measures are employed.**

We have to decide in early June if we are moving ahead as licensed so our time window is limited. I would be happy to meet and tour any of your members at our current operations should this be requested.

A simple way to explain the difference is that in a screening and crushing operation, a hole is made, and all the processing occurs down in the hole and the rock walls become noise and dust barriers. Where in dimension stone operation such as Stonescape the mining and processing is always at the surface where sound is easily transmitted laterally.

Dated May 28<sup>th</sup>, 2019

[dan.stonescape@gmail.com](mailto:dan.stonescape@gmail.com)

June 7, 2019 at 9 am

In a conversation between Dan Slobodian and our BBLCA President, Glenn Joray, Dan clarified the following:

1. If we do release the covenant it could be years before he starts. He would not do both (aggregate & dimension). If covenant is released, he would agree to a new 25-year covenant for aggregate.
2. Blasting would be 3-4 times per season.
3. Stone is crushed 3 - 4 weeks a year on the average.
4. There is never more than 1 loader.
5. Dan would pay any legal cost associated with releasing the covenant and drawing up a new covenant.

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## BACKGROUND:

### Stonescape I aka Milkhouse Quarry

2006: Application for Stonescape I Quarry aka Milkhouse for aggregate and dimension stone extraction. The granting of the quarry license was appealed to the OMB (Ontario Municipal Board) and the restrictive covenant came about as a mediated settlement. It was registered against the title by Richard Taylor, Barrister & Solicitor on behalf of the Big Bald Lake Cottagers' Association whose president at the time was noted as Gerry Wood. **Gerry's recollection is their concerns covered noise, dust, water quality, traffic etc. and the covenant was granted to avoid a 2-year OMB delay.**

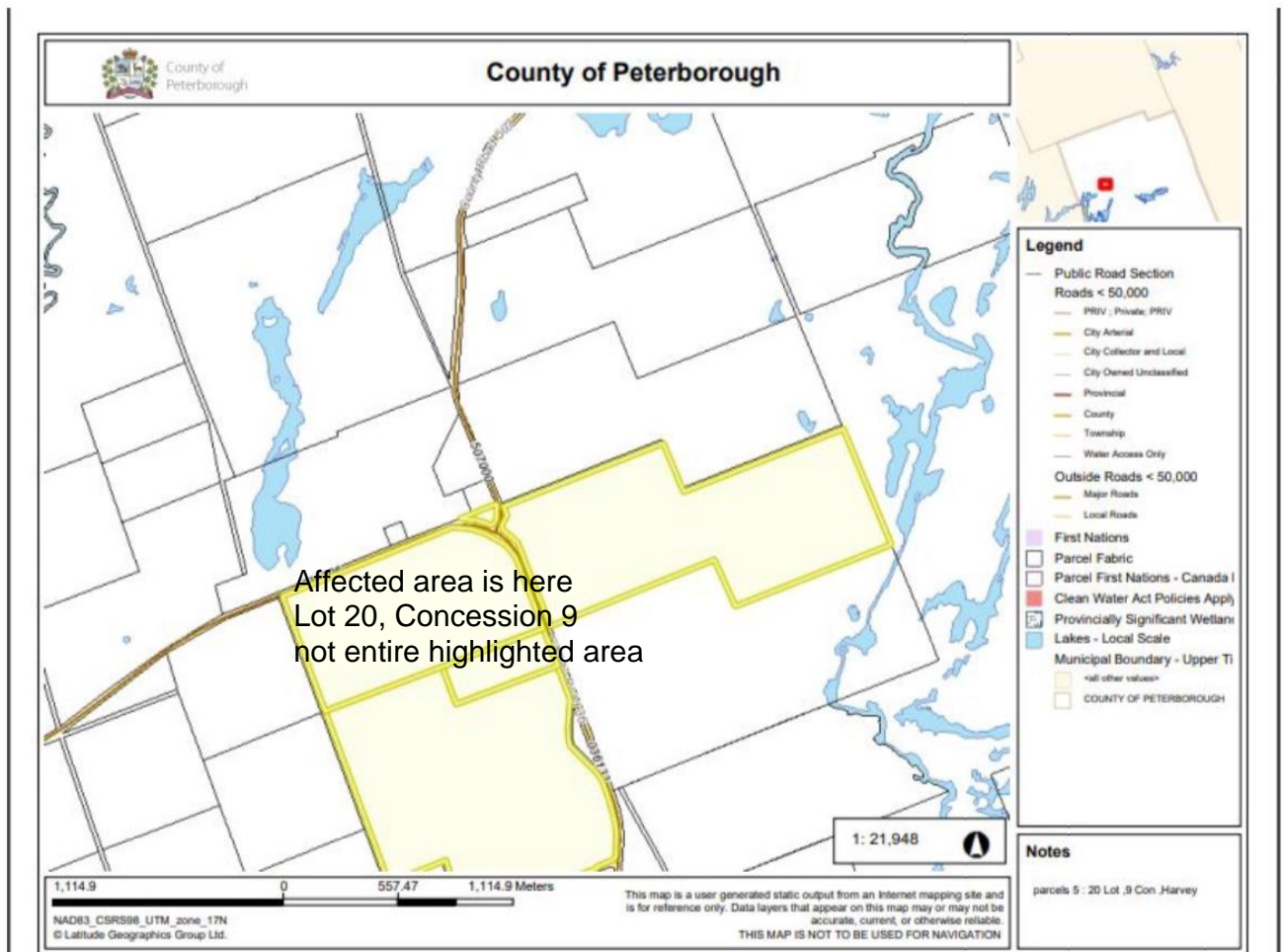
The covenant states **“No construction aggregate (i.e. crushed stone) shall be processed on or removed from the lands described herein for a period of 25 years from the date hereof, provided however that the restrictive covenant will not prevent the lands described herein from being licensed pursuant to the Aggregate Resources Act nor will it prevent the removal of dimension or landscaping stone.”** The area is Part Lot 20, Concession 9 Municipality: Galway-Cavendish-Harvey

2012: Stonescape II: From township records: Application for a Class A license for the removal of aggregate Property Address/Description: Part Lot 20, Concession 9 Municipality: Galway-Cavendish-Harvey OMB Case No.: PL100904

It was allowed by the Township, then appealed to the OMB.

The Peterborough Examiner story relates The OMB directed township to amend the rezoning to address concerns of the appellants. The amendment should now include specific risk-management and mitigation measures to ensure the protection of endangered and threatened species found on the property and measures to address groundwater concerns. Most important was the Township development of a comprehensive zoning bylaw.

The first map below shows the area (Lot 20, Concession 9, Township of Harvey ) where the restrictive covenant applies.



## Local Quarries:

Flynn Corners area and their annual licensed capacity

- Stonescape – 1.5 million tonnes dimension & aggregate
- Dufferin – 1.0 million tonnes and aggregate permit for 1.0 million tonnes
- Pluard 1 – 20,000 tonnes
- Pluard 2 – unlimited
- Ormell – 400,000 tonnes
- Milkhouse – future extraction of 1.5 million tonnes
- Rockridge - new - 1.5 million tons aggregate

Experts are hired for every category within a quarry application. Biologists, anthropologists, hydrologists, engineers (blasting, traffic etc.) and the list goes on.

**FIGURE 2: LICENSED QUARRIES**



Quarry season is approximately 150 days (mid-April to mid-Nov.) Extraction hours start at 7AM, ending between 5 and 7 depending on quarry.

## The Voting Options:

Alternatives	Pros	Cons
<b>Do Nothing:</b> the dimensional landscape stone removal begins in June.	Traffic will be less than for aggregate stone	Potential daily blasting, backup noises, etc. could start immediately.
<b>Renegotiate the Covenant:</b> as outlined above plus whatever other concessions the quarry committee can negotiate.	Be able to implement new restrictions that will be in place for 25 years (see as follows)	Traffic and roads conditions will worsen (see as follows)

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## Renegotiating the Covenant Pros & Cons:

### REWARD ASSESSMENT: (pros)

- We will renegotiate and create a new legally binding revised covenant with stipulations that will be in place for 25 years.

Such as:

- White noise truck backup systems
  - In writing, commitment of only 1 loader in operation (for example) does not grow into 2 or 3 or 4
  - Limited blasting to specific times, possibly limited to 3-4 times a season
  - Limiting working hours for retirement/cottage lifestyle.
  - that all rolling stock be equipped with white noise back up alarms.
  - Berm heights would be built and maintained to adequate specifications according to noise engineering consultants
  - Plus, additional items the quarry committee comes up with.
  - Only Aggregate stone to be removed, no dimensional.
- We stop the current potential risk of daily blasting that is set to beginning in June with the dimensional landscape stone removal.
  - No legal costs will be incurred by the BBLCA. That our independent lawyer costs will be reimbursed by the Quarry.

### RISK ASSESSMENT: (cons)

- Traffic issues; increase in traffic, dust and mud on the roads, visibility issues.
- Noise: Other equipment to be used in the operation of a quarry may increase noise levels.
- Dust is produced in quarries from crushing, screening, blasting, hauling, and wind blowing over stacked reserves which causes mud on the roads leading from the quarry driveways. Prevailing Wind: Goes from west to east away from Big Bald Lake.
- Tourism: Quarry season coincides with cottager and tourist season. Trucks could travel across the Buckhorn or Bobcaygeon bridges and through the business district of town.

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## ADDITIONAL RISK ASSESSMENTS FOR BOTH OPTIONS:

- Watershed concerns: consult the Big Bald Lake - Lake Plan.  
<https://www.bblca.ca/PDFs/LakePlan.pdf>
- As lands will be clear cut, concern about local animals' habitat, (bears, raccoons, porcupine, deer, etc.)
- We will continue our due diligence on water quality testing to ensure the quality.

## SITE VISITS:

If anyone on Big Bald Lake or area would like to do a site visit, the BBLCA can help you arrange that during week days only while Stonescape is operational.

## Quarry Committee Terms of Reference

### Definitions:

**Dimension stone for general landscaping purposes:** Dimension stone is one of the most sustainable of the industrial minerals since it is created by separating it from the natural bedrock underlying all land on every continent. Dimension stone rates very well in terms of the criteria on the ASTM checklist for [sustainability](#) of building products: there are no toxic materials used in its processing, there are no direct greenhouse gas emissions during processing, the dust created is controlled, the water used is almost completely recycled (per OSHA/MSHA regulation), and it is a perpetual resource (virtually inexhaustible in a human time scale). Dimension stone in use can last many generations, even centuries, so the dimension stone manufacturers have not needed a product recycling program.

The extraction of dimension stone is conducted by mechanical means and low-intensity blasting in order to loosen rock faces. Drills, Excavators, wheel loaders & rock guillotine

**Aggregates are for construction purposes:** Aggregates are usually sand, gravel, clay, earth and bedrock. They are used to make roads, subway tunnels, homes and other structures.

- Loose material, such as sand and gravel, is removed from a **pit**
- Solid bedrock, such as limestone and granite, is removed from a **quarry**

Crushed stone is one of the most accessible [natural resources](#), and is a major basic [raw material](#) used by [construction](#), agriculture, and other industries. Despite the low value of its basic products, the crushed stone industry is a major contributor to and an indicator of the [economic well-being of a nation](#).<sup>[3]</sup> The demand for crushed stone is determined mostly by the level of construction activity, and, therefore, the demand for construction materials.



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The extraction of construction aggregates requires drilling, blasting, crushing and possibly washing of the crushed material to create various marketable commodities. Portable processing equipment for washing, screening, crushing and recycling are used.

Stonescape license would need to be amended to allow for CRUSHING & BLASTING via MNRF.

### **Authorities that approve a quarry:**

**Rose Copeland MNRF** Aggregate inspector can provide further info and/meet group.

**Ministry of Natural Resources & Forestry:** - Grants the aggregate permit. Reviews hydrology, species at risk, site rehabilitation etc.

**Ministry of the Environment:** - They consider 500 meters as the area of influence for a quarry. They address noise, dust, grant water permits.

**Fisheries:** if potential fish habitat

**Municipality of Trent Lakes and County of Peterborough:** Traffic Routes:

**Municipality of Trent Lakes:** Zoning Bylaws

**County of Peterborough:** Amendments to Official Plan:

**Ministry of Tourism:** Archaeology and Cultural Heritage

### **References:**

What is Quarrying? <http://www.quarrying.org/about-quarrying/quarrying-explained>

Aggregate resources | Ontario.ca <https://www.ontario.ca/page/aggregate-resources>

The Environmental Impacts of Aggregate Extraction | Toronto Environmental Alliance  
<https://www.torontoenvironment.org/gravel/impacts>

Aggregate Extraction - an overview | ScienceDirect Topics  
<https://www.sciencedirect.com/topics/engineering/aggregate-extraction>

Reports that refer to Stonescape online in Trent Lakes archives.

<https://trentlakes.civicweb.net/filepro/documents/search?keywords=%22Stonescape%22&page=1>