

CRAA Response to Fidelity/MHBC Responses to Community Concerns about the proposed Asphalt Plant

COMMUNITY CONCERN	FIDELITY RESPONSE	CRAA COMMENT
ENVIRONMENTAL CONCERNS Quantities of water are necessary to knock down airborne particulates and dust settling on cattle, farm animals and crops on farms directly adjacent to the subject lands. This water will seep into the environmentally sensitive area on the south end of the subject property and wells in the adjacent Rural Residential homes. Low lying land in this area is prone to flooding and runoff in spring. The subject property is subject to an Environmental Zoning in the Southern End of the property. The Topography of the subject land slopes significantly southward, is very low lying and has standing water where excavation at one point went below the water table. Properties surrounding the subject lands are subject to flooding. These occurrences repeat more frequently with severe weather conditions as experienced throughout Ontario. The subject property is completely enclosed in the "Biddy Creek Watershed area as described in Schedule A attached. Risks associated with an Asphalt Plant are magnified in a 24-Hour operation. More accidents occur in poor visibility situations and Nighttime operations. It would require lighting to mitigate, to a degree, this peril. Even with a lighting mitigation effort, accidents are more frequent during nighttime operations. The risk of any type of accident in this environmentally significant area would be catastrophic. Liability and cost exposures due to damage would be high.	The ARA Site Plan contains notes directing that drainage be contained on site. The portion of the property zoned Environmental Conservation (EC) is outside of the Licenced Area and to the rear of the site. An asphalt plant is only permitted within Phase 1 of the extraction area (per the Operations Plan) which is in the northern portion of the site. Additionally, the portion of the licenced area (1.74ha) closest to the EC zone was previously surrendered.	Does not respond to the comments received, or deny significant concerns raised re 1. flooding and runoff risks, 2. excavation below the water table, 3. catastrophic environmental risk, or 4. high liability and cost exposure No Operations Plan for the proposed asphalt plant (as distinct from the nonexistent extraction operations) has been made public by the proponent or by any responsible Ministry.

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PROPERTIES AFFECTED The area affected by this proposal encompasses a large settlement area with hundreds of homes in the immediate area to more still in the Biddy Creek catchment area. It not only impacts landowners, tenants, cottages but also business and recreational facilities that have flourished here. The taxes paid by landowners and businesses have supported the Township for years when all other income sources for a rural community did not exist	This is an existing aggregate operation, and an asphalt plant is already a permitted use on the site. The subject lands are not located within a settlement area. Based on Official Plan mapping, the closest settlement area to approximately 1.8 km northwest of the subject lands) which is not accessed via Telephone Road. Colborne (Urban Area) is the subject lands is Dundonald (Rural Settlement Area) approximately 4 km to the southwest (on the opposite side of the 401). The lands are part of the County and Township's agricultural and rural area.	There is no "existing" aggregate operation at this site. The response does not confront the fact that, as noted in the review by Gowling WLG, the current zoning is contrary to the Cramahe Official Plan and applicable Provincial Policies. Does not respond to the concern re Biddy Creek catchment area. The analysis of affected "settlement areas" is not accurate: the Colborne area drinking water catchment area is in fact within the runoff are of the proposed facility; the Cramahe Township policy has been to encourage "Rural Residential" densities along Telephone Road, Crandall Road, and other directly affected areas that have become, in effect, undocumented "settlement areas". It would be irresponsible for any Ministry to approve this proposal without requiring a planning study by an independent consultant.

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NOISE POLLUTION, QUALITY OF LIFE AND RIGHT OF ENJOYMENT CONCERNS Extending operations to 24 hours would significantly increase noise disturbances during nighttime hours, affecting residents sleep, health, and well-being. Noxious odors and dangerous emissions would deprive residents from accessing fresh air. Windows would be tightly closed to prevent both fumes and emissions from penetrating their homes. Noise from non-stop Truck traffic, diesel generators, heating mechanisms, loading, unloading and vehicle motion alarms used in visibility compromised settings for vehicles moving in reverse would destroy the Quality of Life and the right of enjoyment residents now have. No clear mitigation measures have been provided to address this. I urge the Ministry to reject this amendment unless independent noise studies confirm no adverse effects on local residents.	In terms of noise, the closest sensitive receptor (dwelling) to the existing pit entrance is over 300 metres away. Additionally, the ARA Site Plan confines the future asphalt plant to Phase 1 only which consists of 7.1ha in the northern portion of the lands and comprises approximately 34.5% of the total licenced area. Further, an Environmental Compliance Approval (ECA) is required to operate an asphalt plant in Ontario. The ECA would regulate the location of the asphalt plant based on appropriate separation distance from adjacent properties and uses. ECAs ensure that equipment operates within acceptable noise levels at nearby sensitive receptors in compliance with Ministry of the Environment, Conservation and Parks (MECP) standards. Upon opening and operation of the asphalt plant, MECP will require that Fidelity undertake a noise audit to ensure the plant is operating in accordance with these Provincial standards. Additionally, operators are beholden to the requirements of their ARA Site Plan, as regulated by the MNR.	We have not seen an ARA site plan that deals with the location of any asphalt plant. There is an unapproved site plan amendment application that is to address the location issue. The CRAA and the Township have not been provided with this amendment application. This answer acknowledges that an ECA will be required, but surely the hours of operation cannot be dealt with until the potential environmental impacts are known and have been assessed against planning and regulatory constraints. "Beholden" is an interesting and inappropriate choice of wording.

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LIGHT POLLUTION & ENVIRONMENTAL IMPACT Overnight operations will introduce artificial lighting that can disrupt local wildlife habitats and interfere with residents' nighttime environment. Expanding operations to 24 hours will lead to increased artificial light pollution, which can disrupt local wildlife, including nocturnal animals and birds. The additional lighting will also affect residents who currently enjoy dark sky conditions. There is no mention of mitigation strategies such as shielded lighting or reduced brightness. I/We strongly recommend rejecting this amendment or requiring a comprehensive light pollution study before approval	Lighting is limited in scale and directed internally to the site to minimize off-site impacts.	There is no factual basis to assess these assertions, which do not respond to (but rather highlight) the concern that mitigation strategies have not been publicly disclosed. Our understanding is that the plant's lighting system will include high-mounted industrial floodlights to ensure adequate visibility during operations. These lights will extend far beyond the pit itself, casting intrusive illumination into surrounding properties. Combined with the constant movement of vehicles on-site and on access roads, residents will be subjected to multi-directional lighting disruptions
ENVIRONMENTAL DEGRADATION & AIR QUALITY Continuous processing, loading, and shipping may increase airborne dust, emissions, and traffic-related pollution, potentially exceeding acceptable environmental limits. The amendment does not consider the increased impact on air quality from round the-clock operations. Prolonged dust and emissions from truck traffic and processing activities. These activities will pose a risk to respiratory health, particularly for vulnerable populations such as children and seniors. I/We request an independent environmental assessment to analyze the impact on air quality before any decision is made.	The asphalt plant will be subject to an ECA which regulates emissions.	See previous comment. This confirms that the implications of the 24-hour operational permission requested cannot be assessed until the environmental implications have been assessed. Wherever ECA is referenced in this response, it should be noted that there are Compliance Concerns. A December 2023 Auditor General's Audit found that the Ministry lacks effective systems and processes to ensure compliance with the Aggregate Resources Act, related regulations, and policies. The report highlighted: • High non-compliance rates within the aggregate industry, with minimal enforcement and few charges pursued. • Lack of oversight on self-reporting, leaving the Ministry unable to verify whether pit and quarry operators adhere to their operating conditions, rehabilitate sites as required, or report non-compliance accurately. This proponent has no history or experience with asphalt plant operation and related regulatory compliance.

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INCREASED TRUCK TRAFFIC & ROAD SAFETY The roads in Cramahe Township are chronically under maintained and are the main reason for notices from the Township of impending Tax increases The main roads the proposed plant would use are Municipal not Provincial. As the project scales up, the municipal roads would sustain levels of use not contemplated in design, safety or maintenance. Delivery of input materials approximately 400,000 tons, including gravel, would need to be trucked into the site to produce and deliver 400,000 tons of material off site. This would effectively double the quantity of trucks using our municipal roads. Trucks carrying in scrapped asphalt from existing roads and Highways would increase truck traffic yet again.	Regarding traffic considerations, the existing pit is ideally located to serve construction projects on Highway 401. The pit is located just 500 m north of Highway 401. The nearest access to Highway 401 (Exit 497) is 6.5 km west of the subject lands (via Telephone Road to County Road 25) with access in both eastward and westward directions. Another interchange (Exit 509) is located about 7 km to the east (via Telephone Road to County Road 30). Neither of these existing haul routes pass through a settlement area. Overall, the proximity of the subject lands to Highway 401 allows for the operation to provide processed materials (i.e. asphalt) directly to market (401 construction), minimizing the social, economic, and environmental impact of hauling aggregate resources long distances. Telephone Road is an existing haul route that is used by heavy trucks. Section 9(C) of the Township of Cramahe By-law 07-31 (Traffic By-law) regulates the operation of Heavy Trucks in the Township and provides that “where authorized signs to that effect are displayed at the entrance to a roadway, no heavy truck shall drive on that roadway except to make a delivery of merchandise, where no alternative route is available”. Schedule 7 of the Traffic By-law states which streets within the Township prohibit heavy trucks. These streets include: Robertson Street (from Toronto Street to Ontario Street), Norton Lane (from Percy Street to Toronto Street), and Elgin Street North (from Park Street to Industrial Park Drive). Telephone Road does not prohibit heavy trucks. Streets that prohibit heavy trucks are located	This ignores the fact that the 401 expansion market can be serviced fully by existing plants in Bowmanville and Belleville, with no additional community or environmental impacts. Asphalt and raw materials would move via Telephone Road which is of tar and chip construction and not designed to handle the excessive weight and traffic volume, and the significant hills to navigate. Furthermore, Telephone Road is not identified as an established truck haul route for asphalt in the Northumberland County Official Plan, approved as of November 23, 2016. As such, Telephone Rd. is not an existing truck haul route: this statement is simply incorrect - Telephone Rd is a rural road, with currently limited to no heavy truck traffic, especially at night, and it is designated in the County Official Plan as a bicycle route. Despite this limited use, current traffic usage of Telephone Road already exceeds its existing safe traffic capacity. This ignores the fact that truck haul routes are regulated by the County Official Plan. It is ridiculous to expect that the Township By-laws can adequately address these issues, and to suggest that the absence of prohibitions in the Township by-law indicates planning approval for heavy truck operations anywhere in Cramahe. Heavy truck traffic will cause extensive damage to local roads, leading to costly repairs adding to the tax burden on Cramahe Residents.

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	within the Colborne settlement area and Colborne periphery area (per the Township Official Plan) and are not part of the Telephone Road pit haul route. For the purposes of occasional 24-hour operations, the haul route will consist of Telephone Road with use of Highway 30 and Highway 25 to access Highway 401 neither of these roads are the subject of heavy truck prohibitions. The proposed ARA Site Plan Amendment to permit occasional 24-hour operations complies with the Township's Traffic Bylaw.	
LACK OF COMMUNITY CONSULTATION There has been little to no public consultation regarding this amendment, despite the significant impact it will have on residents. I /We oppose this change until local community meetings are held, allowing impacted residents to voice concerns and receive assurances regarding noise, air quality, and other environmental impacts. "Update" Council has quickly called a meeting for February 11, 2025 This issue has been in front of Cramahe Council since July of 2024. When pressed, the council has agreed to hold a special meeting on February 18th at 5:00 PM. This time slot did not consider residents who work normal hours and may not be able to attend due to those constraints	The ARA Site Plan Amendment was circulated in accordance with ARA requirements.	The Gowling letter indicates that appropriate disclosure of the proposed asphalt plant planning documents related to the ECA process has not occurred in fact. At the Council meetings of February 11 and 18, 2025, those who spoke to the proposed asphalt plant proposal were unanimously opposed. Notably, the proponent has seen fit not to take these purported "responses" back to the Mayor and Council or the community for further consideration, as it promised to do last February, but rather is attempting an end-run around the community's concerns by going directly to the Ministry.

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NEED FOR STRONGER COMPLIANCE & OVERSIGHT Without strict monitoring and enforcement, a for-profit plant has little incentive to adhere to environmental regulations. There is no clear framework for how compliance will be monitored if 24-hour operations are approved. I /We urge the Ministry to reject this amendment unless strict oversight, real-time air and noise monitoring, and enforceable penalties for violations are established.	An ARA Site Plan is a legally enforceable document. NPC-300 regulates noise on site. The ECA will regulate emissions.	See comments above. Until these plans are in effect and public, it is premature to address 24-hour operation. See above comments on Compliance
COUNTERFACTUAL LAND USE INTRODUCES ADVERSE SELECTION IN THE MARKET Asphalt production In an Environmentally sensitive area, along with approval of for a 24-hour operation is not an "Additive" market value event. It is an adverse market event where decreased values would be anticipated. For those property owners nearest to the subject lands a drop in market value between 30%-50% is anticipated. With the addition of a 24-hour operation the impact is magnified. The Township would be impacted by lowered MPAC valuations and reduced tax income. I/We reject this amendment due to the damage it's approval would do to the market value of the area. Future Township liabilities and potential damages are an important area for consideration.	N/A – this is an existing aggregate operation, and an asphalt plant is already a permitted use on the site.	It is not an existing operation - extraction operations have ceased many years ago. As such an asphalt plant is not an authorized "ancillary" use. As per Gowlings letter, the proposed use is contrary to the Cramahe Official Plan and Provincial policies. The answer "N/A" indicates that this proponent simply does not care about impacts on neighbouring property values and other local market interests

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MORTGAGING, LOANS AND EQUITY IMPROVEMENT LOANS FOR HOMES AND BUSINESS In a meeting held on January 19, 2025, arranged by residents, a Banking representative explained how the affected area could potentially be REDLINED. This practice flags areas where contradicting land uses may impact values. Underwriting for mortgages, loans and equity improvement financing are scrutinized for risk exposure. The result is lower advances or outright rejection. This would result in higher interest rates due to risk and the need to approach lending institutions more willing to underwrite higher risk areas at a premium cost to owners.	N/A	The answer "N/A" again indicates that the proponent simply does not care about impacts on neighbouring property owners' financial interests. Another red flag.
HOME AND BUSINESS INSURANCE Banking and Loan providers are not the only institutions that would REDLINE an area. Insurance Companies would scrutinize for the same risk to value.	N/A	See previous 2 comments

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EXTRACTION FEES In the Matrix offered by MHBC, on behalf of Fidelity the last entry speaks to income from aggregate sources and applied to Cramahe Road Administration. The annual fee for aggregate removal is moot. There is no/little aggregate remaining on the site. Moreover, the income to the Township has not fully been explained. The amount of \$232,751 is income from ALL aggregate extracted in Cramahe Township. Further, it is unclear what the full source of this income is, whether from corporate aggregate extraction or other government assistance. Additionally, this amount is insignificant in road maintenance and suggests that the residents and stakeholders in the Township of Cramahe will have to supplement an enterprise in a commercial venture for the purposes of profit.	Fidelity pays a levy for every tonne of aggregate extracted from the site. Telephone Road is an existing haul route that permits heavy truck traffic.	Since no aggregate has been extracted for many years, no such levies have been paid recently. This is just a direct lie by the proponent and its planning consultant. See previous comment re heavy Truck regulation
CHANGING DIMENSIONS OF WETLANDS IN AN ENVIRONMENT IMPACTED BY CLIMATE CHANGE Minimum distance setback requirements from environmentally sensitive lands must be reevaluated in this climate of change. Some wetlands increase in size and expand when heavy rains and snow melt impact these areas.	The extraction limit is not changing: there will be no changes in setbacks from existing features.	This simply does not address the impacts on existing wetlands in the vicinity of this proposed operation. The point made is that this property should not be used for an asphalt plant at all, and the proponent has elected not to respond to that point.

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HAZARDS Fire & Explosion have occurred at asphalt mix plants in Canada. Cutback and Rapid Curing Asphalt are Flammable. Typical or Medium to Slow Curing Asphalt is Combustible. Chemical foam to extinguish asphalt fire is a highlevel "forever" pollutant to nearby water sources, wells and aqueducts. Cramahe Township fire Department does not have the means nor the expertise to handle a fire or explosion scenario. Cramahe would have to call in other Township Fire Fighters with Hazmat Training to control and mitigate this type of disaster. I/We ask that the Ministry reject the amendment to operate 24 hours a day. We are not aware of any plan or schedule in place to protect workers on site or the local residents in the event such a disaster occurs, A plan should include provisions to restore or stop environmental damage.	The ECA for the asphalt plant would regulate the operation of the asphalt plant in accordance with Provincial standards and regulations.	See previous comments. The request is premature until these regulatory permissions and constraints are in effect. The ECA process cannot possibly reduce the emergency response times from the nearest capable fire services (1 hour or more from Bowmanville or Belleville) to meet current provincial standards.
RETURN ON INVESTMENT A pressing question we all have for our Council, is the expected return or advantage the Township will realize from this proposal. It is clear that the stakeholders in Cramahe Township including Little Lake Residents will become collateral damage in this development. But, what does this sacrifice, by the people of Cramahe give to the Township. What monetary impact will the Township enjoy if any? Councillors have stated that without the 24 hour a day operation, this proposal would not be worthwhile. For Whom? For the Applicant or the Township?	N/A	Again, the "N/A" response indicates that the proponent is not prepared to even disclose, let alone commit to, any benefits to the community in return for the permissions it seeks. That seems to confirm that there are no such benefits.

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