

**LAY WITNESS STATEMENT WITH RESPECT TO THE LOCAL PLANNING APPEAL TRIBUNAL
HEARING ON THE HIDDEN QUARRY**

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Introduction:

I was a resident at 16 Coventry Drive in Guelph under the footprint of the Dolime Quarry operated by the applicant, and experienced 27 years of dealing with the issues associated with an active quarry operating under a residential area. I moved to Rockwood in 2013 and feel that based on my previous experiences it is important for me to inform those involved about the unpredictability of the impacts of a mining quarry on residents near the site.

Blasting Impact Experience and Concerns:

For many years, the people in the lower area of the subdivision that I lived in (closest to the original mine around the College and Hanlon Road area) complained about the effects of the blasting. I had been in people's homes before down there and it was always felt as more of a rumbling than something that would crack a foundation or damage anything. No doubt these blasts were within the MNR operating guidelines. It was rare that much more than this rumble made its way up to my residence. It was only in 2011 and 2012 that things got more severe. To give an example of what happened over time, these rumbles turned into full blown shaking felt in my home that was similar to an earthquake. My wife was a teacher at a school 500 yards down the road, and would come home the same day as my recording of a blast event and mention that the children had felt a blast and asked "what was that and are we OK?" It is pretty bad when our children do not feel safe. These resulted in cracks to my foundation, plaster, and caulking. I was told by a local Ministry of Environment representative (Greta Najcler, District Supervisor, Guelph District) that the mining activity had changed over the years from the old mining closer to the surface to deeper and further out mining with harder rock, and that the blasting methodology had also changed resulting in more percussion in an upward direction vs. radial.

Throughout 2011 and 2012 I repeatedly contacted the Ministry of Environment representative in Guelph immediately after one of these blasting events shook my house. In each case, a review of the records at the quarry showed that the blasts were "within guidelines" as stated in the MOE NPC-119 document. I had a lengthy discussion

with Al Murray, Guelph District Resource Management Supervisor for the MNR regarding these guidelines and was told eventually that the only way for someone such as myself to deal with my issue if everything was compliant was to use the environmental Bill of Rights, 1993 Part IV and make an application for review. It is very sad that the government cannot take a known issue for review and instead puts the onus on the taxpayer.

I worry that if this application is approved we will all be faced with a similar unresolvable situation. I insisted that the government (MNR) does not set guidelines with the intention of shaking people's houses and that something needed to be done. Eventually, after many conversations in 2011 and 2012 with the MOE, they finally arranged for someone to come to my house with blasting monitoring equipment. I had asked for JDCL to come to my house repeatedly over this time, as did the Ministry, but no one ever called or came. At the insistence of the MOE representative, I finally did manage to see a representative of JDCL's blasting company come to my house in February 2012 and set up equipment with the MOE rep attending. The tests were outside on the sidewalk by the way, despite my insistence that it was inside the house that was shaking. The blasting company rep (Austin Powder) said they did not have the equipment to put it in a home and that it needed to be in the ground. All in attendance felt the rumbling in the ground outside of my house. Upon review of these recordings, they were declared again to be "within guidelines". I never did hear from JDCL directly. I did however receive a report through the MOE Representative that "everything was within guidelines and that there was nothing that could be done." When I asked for readings I was told JDCL would provide them directly to me but that never happened and no one from JDCL ever contacted me. It was so disappointing. These "guidelines" consistently then allow serious structural impacts on houses. **It is very clear that the guidelines do not guarantee in all cases that they will prevent homeowner and environmental issues. I am not a geologist, but in my experience with the Dolime Quarry, it was obvious that some kind of UNPREDICTABLE result was occurring.** Because the Dolime Quarry is not in karst rock, you might think that nothing unexpected could happen – but it did. Hidden Quarry is in karst territory, and therefore the unexpected is even more expected. The risk is very high for unintended results on nearby residences, farms, water, and environment.

What is disconcerting is the lack of action that I experienced from JDCL and the Ministries in finding ways to mitigate these unintended results. It is bad enough that the government is culpable in allowing these issues, (unintended results when operating within their guidelines) but it is worse if the operator just cites "within guidelines" and makes no attempt to find alternate ways of blasting to deal with the resident concerns. I therefore fear that, if this problem surfaced from the proposed Hidden Quarry operation, all parties would deal it with in the same unsatisfactory way.

I also wish to make another important point. In the case of the Dolime Quarry, it has been operated for decades, and the City of Guelph literally grew up within the blast

zone while it was operating. Although it does not change the issues I have spoken to so far, the operator license had been in place for some time. In the case of the Hidden Quarry, it is a new license application, and there is an opportunity to prevent this same unpredictability of the impact on homes by not granting the license. I am personally not against new aggregate operations. As a career executive for a manufacturing company, I fully understand the value of jobs and the impact on the economy of enterprise. There is however plenty of gravel and stone that is already being mined in our local area. Would it not make sense to grant new licenses in areas that would not be affected by these negative vibrations if they occur? Immediately adjacent to heritage properties, local enterprises and farms, and a Town of almost 4500 residents makes no sense.

Although I am focusing on the blasting impact due to my negative experiences, I would also like to point out, as others have done, that the same situation applies to many other important issues. This same unpredictable impact exists for water flow and quality and for the environment. In the case of water, the applicant had stated to the city of Guelph that it was impossible, due to the nature of the blasting and the controls in place, to breach the aquitard at the Dolime mine. Despite this, such an event did indeed occur, with unknown long-term implications on water quality. Unpredictable again, yet at a recent public meeting on the Hidden Quarry, to quote a JDCL representative, “The quarry can only crack rock within so many borehole diameters within a few feet of the edge of where we are blasting and we simply cannot, with the vibration limits that we adhere to, we cannot affect the area outside the quarry boundary and we certainly will never impact on the structural integrity of someone's house or cracking your foundation in the basement and all that”. In the case of Dolime, and my experiences noted just now, this is not the case.

I am also concerned that if one of these UNPREDICTABLE situations occurs, that the ability of the Ministry to enforce any violations is completely inadequate. The last time I checked, the MNR had 42 inspectors dedicated to the aggregate industry in Ontario. Of these, 3 are in the Guelph District, which also includes the western portions of the province into Huron and Perth. Aggregate production in this district is the largest in the province, and represents 23% of the total industry, and yet 7% of the staff of 43 was covering this district. To add to the perspective, there were 460 active licenses in the district, which equates to 153 licenses per inspector. (Source: TOARC www.toarc.com) Another participant at OMB PL130149 raised this same issue in February 2015. The statement was made that MNRF does not have adequate budgets to police existing quarries let alone new ones. I can see the reason for his comments based on these statistics. I fear what might happen if this application is approved and some of those unintended results I spoke to earlier happen. Who will make sure the operator is held to task for the damages? The ideal situation would be for the Ministry to proactively prevent problems before they happen. The worst part about this is that if it was something like a breach of the aquitard you can never repair the damage done. The generations who follow us will have to live with the effects.

The right thing to do is deny this application. If it is approved, based on my hard experience, there is no recourse for a resident, or for that matter a municipal government, to protect against the unpredictable events that inevitably will arise around blasting vibration, water, and environment.

Ken Hermann

Date
