

## McCarthy questions process

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Published on Jun 26, 2009

Flamborough councillor Margaret McCarthy says Ontario's process for awarding aggregate licences is stacked in favour of the aggregate companies and she wants to "shine the spotlight" on its flaws.

To that end, she recently wrote a letter to Ontario Premier Dalton McGuinty criticizing "the lack of clarity" afforded to residents as they weave their way through the province's Environmental Bill of Rights (EBR) website while trying to understand how aggregate license applications are handled.

Referring to the more than 750 objection letters recently filed by area residents, local agencies and municipalities in response to the licence application filed by St. Marys Cement for a quarry in northeast Flamborough, the councillor charged that "the Ministry of Natural Resources (MNR) is not providing the appropriate information on the EBR site to allow reasonable analysis of many reasonable questions about the licensing proposal."

McCarthy argues that a more open and complete evaluation history on licences posted on the site is needed to fulfill the spirit implied by the EBR. She also notes that an evaluation is needed at the provincial level "to inject some fairness and integrity into what clearly is a one-sided battle with all the ammunition decidedly in favour of the (aggregate licence) applicant."

Resigned to the reality that the application is headed to the Ontario Municipal Board (OMB) for a decision, McCarthy told the *Review* "it's virtually impossible to do a critical analysis" of how the St. Marys application stacks up against other license applications because the information is not readily accessible.

"It's impossible to get the material (needed) for the OMB," she said. Even though there has been a tremendous amount of opposition to the quarry proposal from area residents, local agencies and municipalities, she said there appears to be no way to stop the quarry application dead in its tracks.

Letter to Premier

“All the science is on our side,” McCarthy said of the environmental arguments put forward to quash the proposal. “But that’s in a fair fight; this isn’t a fair fight.”

In early March, McCarthy sent another letter to Premier McGuinty, advising him that her research of past aggregate license applications shows that the MNR hasn’t rejected a quarry application since 2001. At that time as well, she called for a review of the application process.

According to McCarthy’s research, out of 235 aggregate license proposals submitted between January 2001 and December 31, 2008, the MNR has approved 229 proposals. Of the remaining six, five were withdrawn and one exceeded the allowable two-year time limit given to the applicant to meet ministry guidelines.

McGuinty referred the March email to Natural Resources Minister Donna Cansfield who told McCarthy that aggregate license approvals require extensive public and agency consultation and review. If St. Marys cannot resolve objections from individuals or agencies during the two-year time-frame allowed by legislation, the issue will be referred to the Ontario Municipal Board, the minister advised.

Last week, representatives of the MNR’s media branch declined to comment about McCarthy’s concerns with the EBR and licensing approval process stating in an email to the *Review*, “Since your media enquiry is based on the email the councillor has sent to the Premier, we don’t think it is appropriate for us to comment back to you until after she receives a response from (the) Premier’s office.”

However, in response to questions posed to the ministry by the *Review* in March about the number of applications gaining approval, officials at MNR headquarters in Peterborough said in an email, “Our estimate is that more than 50 per cent of the ARA licenses issued annually are referred to the OMB. It is correct that the majority of applications are issued a license. However, it is important to note that the approval process represents a significant investment on the part of an applicant... Therefore most applicants do not apply where there are significant or insurmountable issues. Also, many applications do not proceed through the formal application process after undergoing preliminary risk assessment by the applicant where significant issues have been identified. It should also be recognized that many applications undergo changes (i. e. reduction in area, below to above water table extraction) to address concerns raised during the consultation process.”

The application by St. Marys Cement is currently in the stage focusing on the resolution of objections. The company is reviewing the results of the consultation and will attempt to find solutions to the objections before presenting its final package to the MNR by April 3, 2011.

Before the deadline, St. Marys will notify any remaining objectors and give them 20 days to reconfirm their objections. If the objections aren’t confirmed, the MNR will consider them to be withdrawn.

If there are still outstanding objections after the April deadline, the MNR has three options: reject or approve the licence or refer the application to the Ontario Municipal Board (OMB) for a decision.

St. Marys spokesperson Melanie Horton said a spreadsheet listing all objections to the license application is being prepared by the company's landscape architects and, when complete, will be crosschecked with a similar list being compiled by MNR staff. She expects the final tally of objections to be available by next Tuesday (June 29).

Horton also said she expects company officials to hold further discussions with the MOE and MNR about water impact studies that both ministries want to see completed before a license can be approved. She said it's not the company's intention to obtain a licence before completing water tests.

If a licence is granted, the company will need a permanent Permit To Take Water (PTTW) for dewatering of the quarry.



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