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Province ends Carlisle quarry battle

St. Mary's Cement rebuffed after \$10m bid

April 14, 2010

ERIC MCGUINNESS
THE HAMILTON SPECTATOR
(Apr 14, 2010)

Wow. Stunned. Ecstatic.

Those were among the words used by astonished community leaders when Liberal MPP Ted McMeekin announced the province had issued an unprecedented order halting St. Marys Cement's attempt to open a massive limestone quarry northeast of Carlisle.



Gary Yokoyama, the Hamilton Spectator

Graham Flint and other Flamborough residents celebrated a m ...

McMeekin said the province was responding to widespread concern about potential harm to groundwater supplying wells, wetlands and streams. The order declares the 150-hectare site on the 11th Concession at Milborough Line must remain zoned "rural and conservation management" in perpetuity.

It's a big win for Friends of Rural Communities and the Environment, a private citizens group that argued the plan posed an unacceptable threat to environmentally sensitive land and the water beneath it.

It's an equally stunning setback for St. Marys, Canadian subsidiary of the Brazilian giant Votorantim Cimentos, and for Ontario's politically powerful stone, sand and gravel industry, which strives to keep land available for aggregate extraction.

St. Marys says, since it bought the property from Lowndes Holdings in 2006, it has spent \$20 million on efforts to rezone it and obtain a quarry licence.

A small crowd, most of whom assembled without knowing what was coming, burst into applause as the MPP for Ancaster-Dundas-Flamborough-Westdale delivered the news at a lectern in the bright sunshine outside his Waterdown riding office yesterday.

Ward 15 Councillor Margaret McCarthy couldn't contain her joy and tears streamed down her face as she reacted to winning a fight that began when Lowndes assembled the site six years ago. The project's passionate foe, who isn't seeking re-election this fall, said: "It's very nice, having come so far, having it end like this before I leave. It doesn't get any better than this."

Ontario Environmental Commissioner Gord Miller, who has long urged the government to screen out unsuitable sites early, said, "This is a

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THE MAIN COMBATANTS IN THE QUARRY BATTLE

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really significant decision, because large quarry applications have always been approved" if the companies went through a planning process that can take 10 years.

He argued in his 2006-07 report, Getting to K(No)w, that an approval process is not legitimate if applications are never turned down.

"The policy hasn't changed yet," he said yesterday, "but this brings us one step closer to a world where we can come to a decision early with less effort."

McMeekin said ministerial zoning orders have been used three times before -- to stop Toronto from dumping garbage in the Adams mine in Northern Ontario, to protect the Oak Ridges Moraine north of Toronto and to protect the Marcy's Woods Nature Reserve on Lake Erie.

John Moroz, vice-president and general manager of St. Marys, said his company was surprised, disappointed and believes the government made a grave error.

"St Marys expects to conduct business in Ontario within a regulatory framework that is clear and reasonable, and on that basis has invested hundreds of millions of dollars in this province. Given the strong economic and social potential of the Flamborough Quarry, and our investment to date, we have no choice but to examine our legal options."

McMeekin said the company has 30 days to appeal, then the province has 30 days to declare a provincial interest in the issue. If it does, the appeal would be decided by cabinet, which McMeekin said agreed to the order issued by St. Catharines MPP Jim Bradley, minister of municipal affairs and housing.

"This is a government decision," he said, one in line with creation of the Greenbelt, passage of the Clean Water Act, Green Energy Act and other environmental legislation.

Predicting a broad review of provincial aggregate-extraction policy, McMeekin pointed to Miller's "assertion that there's no lack of stone in the province," and said, "We need to make policy decisions about where it can be extracted."

The anti-quarry Friends of Rural Communities for the Environment, (FORCE) wasn't alone. The quarry was strongly opposed by Hamilton, Halton, Burlington and Milton councils, medical officers of health, conservation authorities, school boards, farm groups and the Ontario Environment Ministry, as well as hundreds of people in Hamilton, Halton and the Greater Toronto Area.

Flint, a former Microsoft executive who recently sold the Boston Pizza franchise at Clappison's Corners, told supporters it was too early to pop a champagne cork, that they must wait to see what St. Marys does and then decide what to do with hundreds of thousands of dollars raised in anticipation of a lengthy public hearing.

A beaming Flint praised McMeekin for his tenacity, McCarthy for her passion and the McGuinty government for responding to public sentiment and municipal concern.

"We have always said that no reasonable person would approve a new greenfield quarry in this location. Today, no reasonable person has. Together, we have succeeded."

Mike Layton of Toronto-based Environmental Defence, which has come out against any quarries in the Greenbelt, said it was too soon to address the implications for other applications, such as the expansion of Nelson Quarry in Burlington.

TIMELINE

May-September 2004 -- Lowndes Holdings Corp., the original proponent, announces plans to develop a limestone quarry and submits official plan amendment (OPA) and zoning change applications.

September 2004 -- First objections come from Hamilton-Wentworth Federation of Agriculture, which raises concerns about farmland loss, well-water, traffic, dust and noise.

planned to extract amabel dolostone, which it says is the most durable aggregate material in southern Ontario.

The site was attractive to St. Marys in part because of its location close to market demand with quick accessibility to high-volume provincial and regional roads and Highway 401, allowing it to easily supply the Greater Toronto Area with high-quality crushed stone for making concrete.

Excavation would have been 34 metres deep. The projected life of the operation was 25 to 30 years.

OPPOSITION

Those against the quarry have raised concerns about road safety, noise, vibration, dust, effects on groundwater, flow of streams feeding Bronte Creek and the loss of forest, wetlands and wildlife.

Many of the concerns related to anticipated effects on groundwater that supplies private and municipal wells in and around Carlisle.

Provincially significant wetlands, woodlands, species at risk, wildlife habitat and working agricultural lands, among other features, are all on the site, which falls within the Natural Heritage System of Ontario's Greenbelt. FORCE (Friends of Rural Communities and the Environment) has said these areas would be significantly affected by the excavation, operations and proposed haul routes of the quarry.

Consultants said more than 1,000 trucks a day would be hauling gravel from the site.

Source: St. Mary's Cement and FORCE

WHO IS THE OPPOSITION?

The fight against the St. Marys quarry was a grassroots effort that has won the admiration of many.

FORCE is seen by other groups as a model for citizens fighting unwanted development in their neighbourhoods. They've raised \$500,000 over the past six years for the effort and still have \$300,000 they had reserved for a possible hearing.

KEY PLAYERS:

* Graham Flint, chairperson

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June 2006 -- St. Marys purchases Lowndes and announces plans to proceed with quarry application.

May 2007 -- The city is among more than 600 organizations and individuals that flood Ministry of the Environment with objections to a water-pumping system test.

October 2007 -- Hamilton public health submits rare notice to MOE about risks to groundwater.

February 2008 -- City passes unanimous motion asking province to protect Carlisle groundwater-based system.

September 2008 -- MOE issues water-pumping test permit to St. Marys. FORCE accuses MOE of trying to deny the public the right to appeal.

August 2008 -- St. Marys begins water-pumping tests.

October 2008 -- St. Marys submits OPA and zoning bylaw change applications for an adjacent property.

January 2009 -- St. Marys applies to Ministry of Natural Resources for aggregate licence.

January 2009 -- St. Marys refuses to repeat water-pumping test rejected by MOE, saying it's confident it can win quarry licence, then apply for water-taking permit.

February 2009 -- Hamilton public health and Halton medical officer of health write to MNR about risk to public health.

March 2009 -- Hamilton medical officer of health and MOE challenge St. Marys refusal to redo water test.

April 2009 -- St. Marys initiates public notification, consultation and resolution processes for objections.

April/May 2009 -- City and Milton pass unanimous motions objecting to licence application and call on province to deny it. Objections also filed by Burlington and Halton. Public health objects to application.

December 2009 -- St. Marys does an about face, says it will conduct pumping tests.

March 2010 -- FORCE reports it has delivered almost 900 objection letters to St. Marys and the MNR.

April 12 -- Minister of Municipal Affairs and Housing Jim Bradley issues minister's order preventing St. Marys from opening quarry.

Source: Hamilton Spectator and FORCE

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Flint left his job as an international executive with Microsoft Corp. to organize FORCE.

* Silke Flint, accountant

Silke is Flint's wife and has her own accounting firm.

* Mark Rudolph, vice-chairperson

Rudolph is an environmental consultant to major Canadian companies and served as chief of staff to a former Ontario environment minister.

* Jan Whitelaw, policy and strategy adviser

Whitelaw is Rudolph's wife and has 20 years' experience in the environmental policy field, including a stint as senior policy adviser to the premier. She's vice-chairperson of the Greenbelt Foundation and a former member of the Toronto Port Authority.

* Diana McCabe, webmaster

Has kept stopthequarry.ca updated.



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