

McCarthy, FORCE stunned by non-appealable PTTW

BY DON REDMOND

What a difference nine days can make. While in the grand scheme of things, 216 hours doesn't seem like a long stretch of time, it made all the difference in the Permit To Take Water (PTTW) that was issued to St. Marys on July 8.

When the Ministry of the Environment (MOE) issued the PTTW to St. Marys last week in order to allow the aggregate giant an opportunity to test its water recirculation equipment, the anti-quarry FORCE (Friends of Rural Communities and the Environment) were poised to slap an

appeal on the proceedings.

However, it turned out that the 356-day permit precluded any appeal possibilities. Only PTTW applications that have been granted for a period of over a year can be appealed and the PTTW issued to St. Marys fell nine days short.

"Our (city) lawyers don't have a lot of experience with PTTWs, particularly in regard to appealing them, so this came as a surprise to us," McCarthy told the Compass.

"I think the MOE is being too cute by half here," she said grimly. "From where I'm sitting, this was intentional."

It also came as a surprise to both FORCE, which had issued a press release on July 8 just prior to the MOE's decision, indicating they would appeal any PTTW and Ontario Environmental Commissioner Gord Miller, who found himself looking up the regulations for permits of less than a year.

"The leave to appeal application is being made under provisions of the Environmental Bill of Rights. The Environmental Review Tribunal (ERT) will make the decision on this application, said the FORCE release.

"It is incumbent on us to protect our community and our drinking water," said Graham Flint, Chair and Spokesperson of FORCE. "There are still important policy and scientific questions that must be answered before any testing is permitted to begin. That is why we are initiating this legal action."

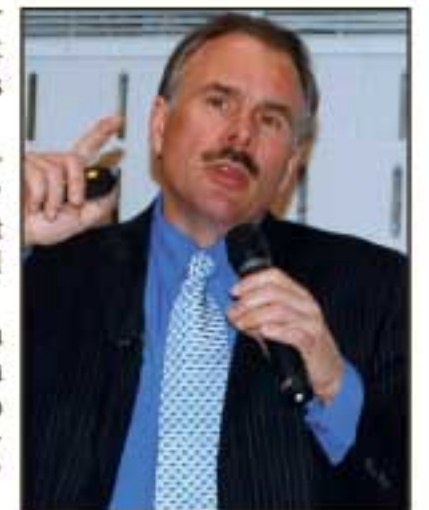
But after his group discovered the PTTW is not subject to the appeal process, Flint told the media it was a deliberate attempt to remove the neighbourhood's right to environmental protection and democratic process.

Flint said the PTTW application is to allow the company to test "its unproven and theoretical groundwater recirculation pumping system for the proposed quarry. This system is being put forward by St. Marys CBM to address what their own technical reports describe as 'unacceptable impact' on area groundwater resources from the proposed quarry."


According to information provided to McCarthy, the PTTW could begin as early as July 21 with three million litres being drawn daily over a six-day period. "That's simply the first test period," she told the Compass, "and it gets worse each time."


Indeed, the second and third test periods both call for 4.5 millions litres a day to be drawn, however the MOE document does not specify how long those tests will run.

"We're talking about an area (Carlisle) that continues to be under a water ban with residents being asked to water their lawns on an odd day/even day rotation," she noted. "If the St. Marys' tests make the situation even worse, they'll simply point at the historic data that shows this area has always had problems and say that it's always been like that."



Ontario Environmental Commissioner Gord Miller had to look up the regulations for PTTWs.


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