

FORCE Free Press



A Friends of Rural Communities and the Environment Publication

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FORCE launches first edition of Free Press

Welcome to the first edition of the FORCE Free Press. They say a chain is only as strong as its weakest link. In light of the scope and length of our community battle, we cannot afford to have any weak links. This is why it is critical for every member of

our community to stay informed about and engaged in the community fight to **STOP THE QUARRY**. Our goal is to provide you with regular, factually accurate, information concerning the community's case and FORCE activities as well as to provide a

vehicle for community feedback. Perhaps from time to time we can even put a smile on your face (see our comic and Sunshine Species sections).

Our current plan (subject to community feedback) is to issue this publication on a quarterly basis. Distribution will primarily be by email blast although we also hope to have hard copies of the paper available at key locations within the community (i.e. at the "Four Corners", Post Office etc). Due to cost constraints, we would ask that you refrain from picking up a hard copy if you already have access through our email distribution system. Now sit back, learn and enjoy!

The FORCE Steering Committee



RESIDENTS GATHER for silent protest

MOE Grants St Marys PTTW

Testing Proceeds

On July 8, 2008 the Ministry of the Environment (MOE) issued a Permit to Take Water (PTTW) to St Marys Cement Group. Due to significant community opposition, including detailed submissions from our community experts, the permit is restricted by rigorous and extensive conditions. The PTTW allows for a series of 3 phased tests. Although FORCE has applied to the Environmental Review Tribunal for leave to appeal the PTTW (see page 1

story - "FORCE applies for leave to appeal PTTW") and issued a "stand down" letter to St Marys through our lawyers, testing has proceeded.

Phase 1 of the testing can be considered a standard pump test where water is drawn from the ground through a well and the impact of that water withdrawal is monitored at locations around the site. Although under the terms of the PTTW the test was to be completed within a

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FORCE APPLIES FOR LEAVE TO APPEAL PTTW

Environmental Review Tribunal willing to consider jurisdiction

On Friday, July 18, 2008, legal counsel for our Community served and filed a Notice of Application for Leave to Appeal relating to the Permit to Take Water (PTTW) issued by the Ontario Ministry of the Environment (MOE) to St Marys Cement Group. Legal counsel also asked that the PTTW be stayed until a determination has been made on the application.

Under the Environmental Bill of Rights, a right of appeal is not automatic for community groups. First, FORCE must be able to establish that it has "standing" and that PTTW constitutes a "Class I Instrument". The MOE and St Marys Cement Group are arguing that the PTTW issued does not

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Jurisdiction being considered

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constitute such an instrument because the permit was issued for a period of 357 days rather than for a year or more as required by the regulations. Based on recent case law, our community's lawyers are arguing that the term stated in the PTTW is not conclusive. Rather, one must consider the actual "nature" of the proposal, including the following factors:

a) that the MOE's own actions have suggested that the PTTW was a proposal for a Class I Instrument (i.e. they posted the permit on the Environmental Registry and conducted public meetings);

b) the PTTW is virtually one year long – only 9 days short;

c) the water taking activities are likely to extend over a period of more than one year due to rigorous reporting requirements;

d) the risk of significant environmental harm is the same as if the PTTW had been issued for a period of one year or more; and

e) the public has a real interest in the decision.

If successful with this preliminary objection, FORCE must be able to satisfy the following two part test:

1. It appears there is good reason to believe that no reasonable person, having regard to relevant law and government policies developed to guide decisions of this type, could have issued the PTTW; and
2. It appears the decision to issue the PTTW could result in significant harm to the environment.

Our Community's legal and technical experts have identified policy and scientific reasons why the PTTW decision is not reasonable and could result in significant harm to the environment. The safeguards of exercising the "precautionary principle" and waiting for source protection planning to advance have not been done. The Ground Recirculation System (GRS) aspects of the test are novel and untried making them discriminatory to the community. Other elements of the test make it unrepresentative of a quarry and its impacts. Matters such as these require scrutiny before testing is allowed to proceed. This is especially the case where one can expect that this series of tests will lead to further testing. It is important to establish an appropriate testing and regulatory framework from the start.

We have also asked for a "stay" in order to prevent St Marys Cement from taking any further action on the basis that "St Marys could continue its water taking activities, which would have the effect of rendering moot our Community's right to seek leave to appeal".

The case is currently being reviewed by the Environmental Review Tribunal now that submissions have been filed by FORCE, the MOE and St Marys as well as a rebuttal by FORCE on behalf of the community.

Although the challenge may not ultimately prove to be a legal success, St Marys needs to know that our Community is here to protect the environment and our drinking water. We will do everything we can to protect the status quo. That is why we are initiating this legal action.

One Volunteer's View

A regular column featuring the personal opinions of community volunteers

No one could ever criticize the baby boomer's generation for being lazy. In fact, we've undoubtedly set new standards relating to work hours, multi-tasking (consider the blackberry) and self-improvement. The source of our motivation has also been pretty clear – we are seeking an improved standard of living for ourselves, our families and our communities. Bigger homes, an improved fitness level, better schools for our kids – these are things we are accustomed to working and fighting for. One thing we're not used to, however, is having to work really, really hard merely to preserve the status quo. Unlike our forefathers, we're fortunate because we never struggled through a full-fledged economic depression, the dirty thirties nor been drafted into a war.

Perhaps that is why the threat of a quarry in our neighborhood is novel to us. The need to spend time, energy and financial resources simply to maintain what we already have – a quiet, safe, beautiful community – is foreign to us. In fact, this "zero sum game" irritates us and makes us downright angry. However, although we may not be "bettering our position", this fight to preserve our community is obviously well worth the effort. I try to remind myself of this every time I get mad about the time, effort and money my family spends fighting this quarry. I also remind myself that I'd prefer to fight the opponent with technical reports, legal arguments and community solidarity rather than spending time in the trenches of Vimy Ridge like my grandfather.

That's just one volunteer's view.

Michele Ryan

Michele Ryan has been a member of the FORCE Steering Committee since its inception and is involved in internal governance and legal matters for the corporation as well as community outreach. She is a retired labour and employment lawyer who moved to the community seven years ago from Alberta. Her passions are gardening and tennis and she lives in the area on a property she calls Eden.

A Community Event!

3rd Annual Gala

FORCE is pleased to announce our 3rd Annual Gala, at the Carlisle Golf & Country Club on Saturday, October 18, 2008.

The evening promises to deliver delicious food, featuring a four course dinner prepared by Chef Rob Leach, along with a fine assortment of bubbly and spirits.

The entertainment is highlighted by nationally acclaimed singing sensation Janna Polzin last seen on CBC's popular "How Do You Solve a Problem Like Maria?".

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To receive our electronic mailings go to www.StopTheQuarry.ca and click on **Newsletter Subscription** in the top right corner of the page.

Phase One Complete

Testing Woes for St Marys

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6 day period, it was necessary for St. Marys Cement Group to seek an extension from the MOE in order to complete the test. While preliminary pumping activities commenced earlier in the day, constant rate testing started at 4:20 p.m. on July 21, 2008 and terminated at 12:00 p.m. on July 29, 2008. In total, Phase 1 pumping lasted for eight days.

FORCE attended daily technical meetings with, among others, the MOE, the City of Hamilton, the Region of Halton, Conservation Halton, Hamilton Public Health Service and Golder Associates, a third-party hydrogeology firm approved by the MOE, where study findings were discussed. These technical meetings were a condition of the PTTW. The following concerns are highlighted which raise serious questions about the validity of the test:

1. The maximum pumping rate achieved for the test was 10 litres / sec which, while it may seem like a lot to local residents, is really very little. Over a 24 hour period it equates to 864,000 litres. The PTTW would have allowed over 50 litres / sec equating to 3 million litres per day. This was more than 4 times less than the 12.7 million litres that was originally requested by St Marys in the fall of 2006, in order to attempt to approximate the true drawdown of a quarry.

2. The original plan was to pump from three wells all lined up in a row which would attempt to simulate a small wall section in the proposed quarry excavation. Evidently one of the wells had casing problems and the last of the three was altered to perform a different function. As a result, the testing that occurred got nowhere near the original goal of simulating even a small section of the proposed quarry excavation face. In fact, at the reduced pumping rate, the drawdown (the level that the water fell in the pumping well hole itself) was only 14 metres. This is a long way from

the proposed quarry full depth of 40 metres in some places.

It is critical to note, however, that despite the low pumping rate and drawdown, the pumping still showed a zone of influence on monitoring wells up to 450 metres away. One can only imagine what the zone of influence would be with a full quarry face dewatering up to depths of 40 metres?

3. In addition to the technical problems with the pumping activities, Mother Nature also got in the way of these tests. There were record rainfalls throughout June and July and a significant rainfall of 48.8 mm on Sunday, July 20th, just one day before the testing began. Heavy rainfall occurred on and off during the test period and during the recovery period that followed. As a result, the groundwater system became saturated and all the baseline data that had been collected became unrepresentative of the now changed baseline conditions. The significant impact of the rainfall is evidenced by the fact that water levels actually rose in some of the monitoring wells instead of falling as one would have expected from a pumping test.

So where does this leave us? We have a pump test that was conducted on a scale that was not representative at all of the final excavation being proposed (i.e. only one test well, low pumping rate) and it was further interfered with by Mother Nature resulting in an unreliable baseline for future tests. Unfortunately, the PTTW does not contain specific ways to measure "success". Our community identified this as a problem during the public consultation process. The PTTW does contain triggers and conditions designed to reduce pump rates under clear failure situations related to safety. However, just because the clear failure triggers may not have been "tripped", does not mean the test is a success.

It should also be recalled that St Marys Cement Group intends to use a computer model to attempt to predict the impacts of



the proposed quarry on our water system. It certainly becomes even more challenging to make such predictions if the quality of the data being inputted into the model is poor because of the test design and rain impacts. We certainly do not want government agencies to make critical decisions about the impact of a full scale quarry and its mitigation system based on this faulty test and its follow-up series.

In terms of next steps, data from the testing will need to be submitted to and analyzed by the MOE before further testing is permitted. The second two phases are believed to be far more intrusive because they attempt to re-circulate groundwater through trenches back into the drinking water production zones to offset the drawdown caused by the proposed quarry dewatering. This is called a Ground Recirculation System (GRS).

However, since results from the setup phase (Phase 1) are now in question how will it be possible in any way to show that Phases 2 or 3 will have the impact that they are being tested for? We call upon St Marys to stop using this Community as Lab Rats for their unproven and theoretical GRS and call a halt to this testing that is failing right before their eyes.



F O R C E
Friends of Rural Communities
and the Environment

FORCE 2008 Annual General Meeting

Monday, September 15, 2008 at 7:00 p.m.

Lawson Park Campgrounds, 322 - 11th Concession East (just east of Centre Road)

Special Guest Speaker: Eleanor McMahon

Now living with the loss of her husband, OPP Officer Greg Stobbart, in a roadside bicycling accident with a dump truck on Tremaine Rd. in Milton. Come hear how Eleanor is turning that tragedy into action.

Letters to the Editor

FORCE is a grass roots community group which means that your input is essential. Provide us with your thoughts, suggestions and questions about this newspaper, the proposed quarry or about FORCE and its activities. Submissions must contain the writer's complete name, signature, telephone number and mailing address. The latter two elements will not be published but may be used for verification purposes. FORCE reserves the right to edit, condense or reject any submission. Copyright in submissions and other materials submitted to FORCE and accepted for publication remains with the author, but FORCE may freely reproduce them in print, electronic or other forms. Submissions may be mailed or emailed to:

MAIL: c/o Lawson Park Ltd.
PO Box 15, RR #1
Freelton, ON
LOR 1K0

EMAIL: info@stopthequarry.ca

The Sunshine Species



The provincially rare Pronghorn Clubtail, an adorable creature found in very few sites in the Greater Hamilton area, one of which is near the proposed quarry site. It probably breeds in a nearby creek, or an adjacent pond or wetland. Note the big, soulful blue eyes.

Do you know of a special non-domestic creature that is indigenous to our community? If so, shoot it (with a camera, of course) and send us a picture along with a brief explanation about the species to:

FORCE Free Press, c/o Lawson Park Ltd., PO Box 15, RR #1, Freelton, ON, LOR 1K0 or email info@stopthequarry.ca.

Gala & Silent Auction

Four Artists, Four Voices, Four Pianos

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Jana competed with over 2000 Canadian women for the lead role of Maria in the new Andrew Lloyd Webber production of "The Sound of Music" and finished 1st runner up in the competition.

The main presentation is the acclaimed production of the "The Piano Men" capturing the world's greatest award winning, high energy giants whose hits have made musical history - Elton John, Billy Joel, Jerry Lee Lewis and Liberace. Four Artists, Four Voices, Four Pianos....One Fabulous Show!

Another highlight of the evening will be our Silent Auction featuring artwork from local artists, international wines & spirits, sports tickets and fine jewellery.

We anticipate another sold out event, so we urge you to confirm your attendance and avoid disappointment. Your participation helps demonstrate our continued opposition to the huge quarry being proposed just north of Carlisle by St Marys Cement.

Visit www.StoptheQuarry.ca and click on Community Spirit/Calendar of Events.

Together We Will Succeed!

CLAIM YOUR RIGHT TO RIDE

Sunday September 7th 2008

Visit www.StopTheQuarry.ca or contact Gwen at (905) 689-3654

Note: Should you have any silent auction items you would like to donate to the GALA please contact:

Tom at (905) 659-5555 or email silentauction@stopthequarry.ca