

# FORCE Free Press



A Friends of Rural Communities and the Environment Publication

Vol. 1 Iss. 2

December 12, 2008

## St Marys Fails to "Pass Go" on First Pump Test

It really shouldn't have been necessary to consult a hydrogeologist to figure out that the significant rainfall that occurred this summer, right at the time St Marys was starting its first pump test on July 21, 2008

would render the data unreliable. After all, the rainfall that occurred was some 50% greater than the rain that fell during a November 2004 quarry pump test which caused the Ministry of the Environment

(MOE) to question the reliability and interpretation of the data generated by that test due to excessive rainfall. Other clues should have been the fact that only one of three originally planned wells was used for the test and that some neighbouring private wells actually showed increasing water levels throughout the pumping test rather than decreasing levels. Still, a quote in the Flamborough Review from Jennifer Tuck, Manager of Policy and Planning for St Marys Cement, indicates that the company believed the test was a "success" (August 22, 2008 article by Dianne Cornish).

It is indeed fortunate then that, as a result of its cohesive united front, the community had already retained our hydrogeologist to review the test results. In his review, released on October 3, 2008, our expert Dr. Ken Raven, PEng, PGeo of INTERA Engineering Ltd., confirmed what we already knew from common sense –

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RESIDENTS, Hamilton & Milton Councillors and MPP Andrea Horwath at Queen's Park

## Big Yellow Bus Travels to Queen's Park

### Hamilton Centre MPP Poses Questions

A group of over 40 Flamborough and Milton residents know exactly what we've got before it's gone. And they weren't prepared to sit by and let our paradise be destroyed by a huge open-pit mine. So, in the wee hours of the morning on November 6, 2008, they boarded a Big Yellow Bus and headed to the provincial legislature in downtown Toronto, a.k.a. - Queen's Park. Their goal was to appeal to the provincial government for intervention to stop the quarry and to provide support

to Andrea Horwath, Hamilton Centre MPP and newly announced candidate for the Ontario NDP leadership. Ms. Horwath posed two pointed questions to the Minister of the Environment, the Honorable John Gerretsen, concerning the proposed St Marys quarry.

First, Ms. Horwath noted that the proposal is "to develop a massive new Greenfield quarry" . . . "an open-pit mine in the middle of the Natural Heritage System of the Greenbelt, where ground

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## Slim PICings

### St Marys long on talk - short on fall meeting.

Perhaps you attended Public Information Centre #4 (PIC #4) held by St Marys Cement on June 23, 2008. This was when the recommended truck haul routes were to be identified by the cement company – obviously an issue of significant concern for community residents.

But, as you may recall, the agenda for this meeting was changed shortly before the gathering because the Combined Aggregate Resource Team (CART) had only recently received studies from the company supporting its preference. Instead, a "preliminary preferred route" was outlined along with the promise of a

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## MOE says do-over!

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that the St Marys pump test could not withstand scientific scrutiny.

At the end of October, 2008 the MOE agreed with the community's common sense, and our expert's findings, and informed St Marys that its Phase 1 pump test generated unacceptable data results. The cement company must therefore repeat this test before it will be authorized to move forward with any further testing. As at the date of writing, repeat testing has not occurred.

Failing to "Pass Go" may over the long term prove problematic for St Marys. As will be recalled, the community's right of appeal to the Environmental Review Tribunal was thwarted because the Permit to Take Water (PTTW) issued by the MOE on July 8, 2008 was for 357 days rather than for a period of one year or more as required under the legislation in order for an appeal to be considered. At the time

of writing, 158 days have passed since the issuance of the PTTW and, with the winter months upon us, St Marys will be hard pressed to complete all 3 tests prior to June 30, 2009. If they are unable to do so, a new permit would need to be applied for and the community, once again, has the opportunity to raise objections. Tick tock!

It should be noted that St Marys approached the MOE in September to propose changes to the nature of the three test format authorized under the PTTW. The details of these proposed changes are currently unavailable. However, Minister Gerretsen did indicate to the Legislature that, if the company wants to proceed with such alterations, this will trigger re-posting on the Environmental Registry (EBR) for 30 days for public comment. Further details will be posted on the FORCE website ([www.stopthequarry.ca](http://www.stopthequarry.ca)) as they become available.

## Will there be a PIC #4B?

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follow-up meeting in the fall to unveil final recommendations.

Despite now being only weeks away from Christmas, no further PICs have been scheduled by St Marys Cement. The only hint that the community has received from the company, concerning recommended haul route(s), is the fact that St Marys has now made application to the City of Hamilton concerning a 10.6 acre strip of property situated adjacent to the quarry property, at 1869 Milborough Line, but not originally included in the September 2004 overall quarry application. The new application seeks to rezone the land from Agricultural and Conservation Management to Extractive Industrial and for an amendment to the Official Plan altering its designation from Rural to Extractive Industrial.

Further, our understanding is that, if approved, the application would enable the lands to be used for "access/driveway purposes together with other uses ancillary to an extractive industrial operation". Since this particular property abuts Milborough Line (and driveway access is already readily available onto Concession 11 E), one would suspect that at least one of the transportation routes being seriously considered is this beautiful

rural road located on the border dividing Flamborough from Halton. Hopefully, at some point, St Marys will be good enough to formally notify anxious residents of their intentions rather than forcing us to speculate on shadows in the dark.

In the meantime, we should all register our objections, concerning St Marys recent application, by forwarding our comments to:

Chris Bell, City of Hamilton  
 Planning & Economic  
 Development Department  
 Planning Division—Legislative Approvals  
 77 James Street North, Suite 400  
 Hamilton, ON  
 L8R 2K3  
 Fax: 905-546-4202  
 Email: [chris.bell@hamilton.ca](mailto:chris.bell@hamilton.ca)  
 Quote File No: OPA-08-014 & ZAC-08-067



## One Volunteer's View

A regular column featuring the personal opinions of community volunteers

"IT'S A DONE DEAL"

- Not so for a tiny community in a sparsely-populated rural area, as last year this concerned community in Digby Neck, Nova Scotia won their case against, Bilcon, a subsidiary of the large American conglomerate Clayton Concrete, Block and Sand.

- Not so for neighbours of a Quebec City cement factory operated by St. Lawrence Cement who were awarded \$15 million dollars by the Supreme Court of Canada for damages caused by the factory's noise, odour and dust problems.

- Not so for our own local community who, not too many years ago and against all odds, stopped the installation of a large propane transfer station in the Carlisle area.

The words, "it's a done deal" seem to have such finality. It might be easy to fall into the trap of believing "it's a done deal" when the big business quarry folk try to overwhelm us with glossy handouts, posters and slick presentations. Their spin often revolves around a marketing ploy called a 'presumptive argument', where the corporation starts with the assumption that their project is already a "done deal" and all the rest is just detail. Unfortunately, buying into the "it's a done deal" assumption can only lead to its own self-fulfilling prophecy of failure. If we believe the fight is lost, it will indeed be a "done deal" because it will mean that we have quit.

Now let's counter "it's a done deal" with the fact that . . .

\* we have a community of hard working, determined, well-educated and knowledgeable people who have come out to all public events opposing the proposed quarry and who have given hundreds of thousands of their hard earned, after-tax dollars to the cause;

\* we have the FORCE Steering Committee comprised of hard working, determined, well-educated and knowledgeable people who do not believe that they have wasted thousands of hours of their own time, over more than four years, fighting a "done deal";

\* we have overwhelming opposition to the proposed quarry from our own local

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# Queens Park Trip

## Concerns elevated to the Provincial level

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water is crucial to the provision of clean, safe drinking water to more than 3,000 residents of Carlisle".

She then asked Minister Gerretsen directly, "[w]ill the minister say today when the government is going to step in and stop the quarry?"

The Minister, while complimenting attendees from the community for their interest in the environment, restricted his responses to the Permit to take Water (PTTW) granted by the Ministry in July, 2008 noting that "the permit that has been issued is simply for a pump test", not for an actual quarry. He gave assurances that it is the responsibility of the Ministry to ensure "that the testing is done properly" and that it had already "decided to have the testing redone by the company because of the excessive amount of rain water that fell". He noted further that St Marys will require both municipal approvals and approvals from the Ministry of Natural Resources before any quarry ever goes forward.

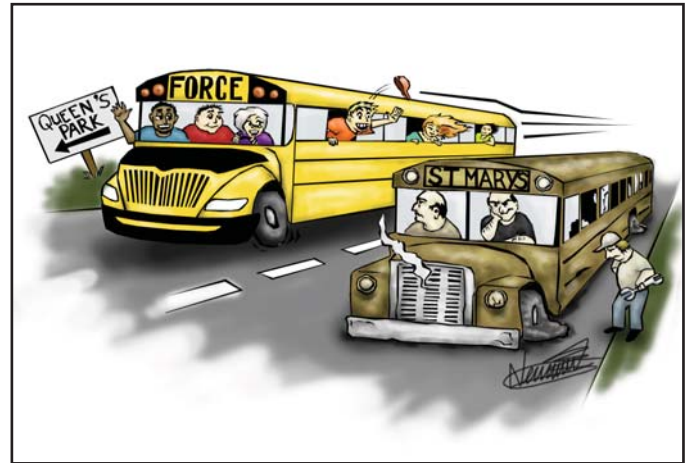
Unsatisfied with the response, Ms. Horwath stated that it appeared that "this government's Greenbelt is turning into a Greedbelt" She reminded the Minister that the availability of safe drinking water is at stake and of the Walkerton disaster. She also argued that the Ministry's own technical expert advisors determined that quarries are "a man-made threat of provincial concern because they create a direct pathway to the aquifer for contaminants" and therefore "should not be situated too closely to a municipal wellhead protection area". Finally, before posing a second question, she reminded the Minister that "[t]he Environmental Commissioner himself has clearly told the government to screen out development proposals exactly like this one, which put the interest and profits of the aggregate mining industry ahead of the public's water supply and environmental protection".

She then asked a second follow-up question, "When will the government protect residents, farmers, businesses and schools near Carlisle by heeding the independent advice of the Environmental Commissioner and stopping this quarry development?"

Sadly, but probably not unexpectedly, Minister Gerretsen once again repeated his previous response, "this is a pump test; this is not a permit for a quarry". He went onto note "that a number of safeguards have been built into this" including monitoring the quality and quantity of water, independent oversight and reporting, and a reduction in the pumping rate.

So was the trip on the Big Yellow Bus worth it? We think so. Although Flamborough and Milton residents didn't get the answer they were looking for – namely that the quarry proposal be stopped in its tracks on that very day - it did elevate our concerns to a much higher level. Our issue is no longer merely a little local issue in the north-east corner of Flamborough; it is now an issue of provincial concern, involving both the municipalities of Hamilton and Milton, that has been discussed on the floor of the legislature and is reported in Hansard Issue L087 (found at <http://hansardindex.ontla.on.ca/hansarde/issue/39-1/1087.htm>).

Thank you Andrea Horwath for the insight and leadership you have shown on this critical issue. It should be recalled that our own MPP, Ted McMeekin, is now a cabinet minister and, as a result of parliamentary protocol, is not in a position to ask questions in the House. However, Mr. McMeekin continues to advocate strenuously on behalf of our community with his colleagues and, after Question



Period, came out to greet and encourage participants.

Words of gratitude must also go to Margaret McCarthy, Ward 15 Councillor, and Jan Mowbry, Ward 3 Councillor, for taking the trip in order to illustrate the concerns of the City of Hamilton and Town of Milton, respectively. The quarry proposal obviously constitutes a matter of significant concern for the City of Hamilton because there is no easy solution if the aquifer, which supplies water to the community of Carlisle and surrounding rural properties, is damaged by Ground Recirculation System (GRS) testing or by a quarry. Under recent Greenbelt legislation, the municipality is not permitted to simply pipe Lake Ontario water up to the area from Waterdown, where service currently ends. Trucking in water would constitute an expensive and inconvenient solution. Rural Milton residents, who obtain their water from private wells, are also very concerned about the integrity of the aquifer and will be negatively affected by the more than 1,000 daily truck trips forecasted for the area if the quarry were to be approved.

To receive our electronic mailings go to [www.StopTheQuarry.ca](http://www.StopTheQuarry.ca) and click on **Newsletter Subscription** in the top right corner of the page.

## SEASONS GREETINGS

In every home, in every heart the lights of friendship glow...  
May the meaning of this season be deeper, its friendships stronger and  
its hopes brighter this holiday season and through the New Year.

From your friends at FORCE



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

## The Sunshine Species



The White-Tailed Deer (*Odocoileus virginianus*) is the only native large mammal that survives in heavily populated southern Ontario. The Deer eat young twigs in winter. They are poorly adapted for travelling through the deep snow and therefore become dependent on "deer yards". The forested land, owned by St Marys Cement, contains just such a deer yard.

Do you know of a special non-domestic creature that is indigenous to our community? If so, send us a picture along with a brief explanation about the species to FORCE Free Press.

## "It's a Done Deal"

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Hamilton and Milton Councillors;

\* we have the City of Hamilton and many other legally vested government/non-government organizations reviewing, scrutinizing (and often rejecting) every document that St Marys submits; and

\* we have the recent water pumping results submitted by St Marys that were rejected by the Ministry of the Environment.

We need to keep in mind that this is a "proposed" quarry. Among other legalities, St Marys must prove that their below-the-water-table quarry will not

affect the quantity and quality our well water. However,

- as Justice O'Connor states in the Report of the Walkerton Commission of Inquiry, "keeping contaminants out of drinking water sources is an efficient way of keeping them out of drinking water."

- The Source Water Protection Act was one of the results of the Walkerton Commission of Inquiry.

The water that flows through the proposed quarry site feeds the wells of some 3000 people in the area. Does St Marys staff honestly and truly believe that they can guarantee the quality and quantity of water in every single well in the

area? Even one contaminated or lowered well is one too many.

It is not a done deal for us.

Try Googling variations of "done deals that fall through". One search offered 9,930,000 such occurrences.

That's just one volunteer's view.

Tom W

Tom is an original member of the FORCE Steering Committee (living in Milton), and works on community events such as public meetings, the Gala, Bike Rally and Golf Tournament. Before retiring, Tom worked in various positions within the field of education in Canada and in Australia. He is a private pilot and recently earned his computer Webmaster's Certificate from Mohawk College. He volunteers weekly with an organization in Hamilton, helping to feed needy families.

who shared common values, good hearts and a belief that perhaps some good would come from our expedition. The passionate words of Andrea Horwath, Hamilton Centre MPP, and the support of Municipal Councillors, Margaret McCarthy and Jan Mowbry were very encouraging. Thanks also to Trott Transportation company who generously donated a bus and driver to navigate us safely through Toronto rush hour traffic. In addition, thank you to the owner's Seeing Eye dog (in training) who tolerated us on the trip!

Virginia Brazeau  
Just North of Carlisle

## LETTERS & OPINIONS

Dear Editor:

We would like to thank you and the members of FORCE for your efforts in keeping the community informed through this wonderful newsletter. It is nice to read articles about the potential impact of the proposed quarry that are believable and tell it like it really is.

Sincerely,

Brian & Marlene Murphy  
Concession 11E, Freelton

Dear Force Free Press Editor:

Boarding the "Queen's Park Express" in the chilly morning air on November 6th proved to be an extremely invigorating and rewarding experience for myself and some three dozen other community residents. Central to the moment was the fact that the community was so graphically pulling together for a cause we strongly believe in – stopping the quarry being proposed by St Marys Cement which, if approved, will fundamentally alter our quality and very way of life. Although there was no singing, positive energy filled the bus during our two hour commute to Queen's Park – it was actually fun spending time with people