

Cabinet minister may testify at quarry's judicial review

<http://www.flamboroughreview.com/news/cabinet-minister-may-testify-at-quarrys-judicial-review/>

March 24, 2012

Thursday, March, 15, 2012 - 4:04:19 PM

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Ontario's Minister of Environment Jim Bradley could be called as a witness at St Marys Cement's upcoming judicial review of the Ontario government's decision to freeze the zoning on a proposed quarry site in northeast Flamborough.



The Ministerial Zoning Order (MZO), announced by Bradley in April 2010 when he was Minister of Municipal Affairs and Housing, effectively quashed plans for the Flamborough quarry proposed for a site at 11th Concession Road East and Milborough Line. SMC Inc. (Canada) alleges that McGuinty's Liberal government was politically motivated when the zoning freeze was declared and when the Ontario government took the additional step of declaring a provincial interest in the site in April 2011. The latter move makes it possible for the government to overturn any Ontario Municipal Board ruling about the site that it doesn't agree with.

St Marys contends that the government has failed to provide any scientific reason why the aggregate company should be denied the right to a fair and impartial hearing on its quarry application.

Members of FORCE (Friends of Rural Communities and the Environment), a grassroots group opposed to the quarry, argue that there is science-based evidence that a quarry would have negative impacts on the quantity and quality of groundwater in the area. SMC denies that assertion.

The company has also undertaken other legal steps in pursuit of an aggregate licence, including the launching of \$275-million (US) suit against the Canadian government under the North American Free Trade Agreement (NAFTA). St Marys VCNA, LLC, the U.S. parent of SMC Inc. (Canada), took the action after alleging that Canada unilaterally withdrew its right to a Chapter Eleven arbitration under (NAFTA) without a hearing or due process and in violation of NAFTA's treaty terms.

The aggregate company also recently appealed to the Ontario Divisional Court to set aside a decision by the Environmental Review Tribunal (ERT) denying the company a Permit to take Water (PTTW) to conduct pumping tests on the proposed quarry site.

Dates for the judicial review and other court actions have not yet been announced.