



Dates set on SMC's water permit appeal

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As the Ontario government and St Marys Cement (SMC) prepare to square off on the aggregate company's court challenge to have the zoning freeze lifted from the proposed Flamborough quarry, SMC continues to proceed with other activities aimed at clearing the way to receiving an aggregate licence.

One such activity is the company's renewed attempt to obtain a Permit to Take Water (PTTW) from the Ministry of the Environment (MOE) to do pump tests on the site located on 11th Concession East and Milborough Line.

It was decided earlier this month that the company's appeal of the MOE's refusal to grant its PTTW application three months ago will be heard before the Environmental Review Tribunal (ERT), September 19 through 21 at the Stoney Creek Municipal Centre, 777 Hwy. 8.

SMC filed the application on Feb. 11, but the MOE refused it on April 8, leading SMC to appeal the decision on April 26. On July 5, representatives of the City of Hamilton, the Hamilton-Wentworth District School Board, Stonebrook Estates, FORCE (Friends of Rural Communities and the Environment), the MOE and SMC met at the Stoney Creek Centre for a pre-hearing, where the parties for the ERT hearing were confirmed.

FORCE withstood a challenge from the aggregate company and will be allowed to participate in the hearing with full party status.

Last October, the MOE turned down a PTTW application from SMC because the Ontario government had placed a zoning freeze on the proposed quarry site six months earlier. The company filed an appeal of the ministry's decision to the ERT, but withdrew the appeal about a week before it was to be heard.

The MOE rejected the company's recent application on the basis that allowing it to proceed with the pump testing would presuppose that the government's zoning freeze was outside its jurisdiction before the Ontario Municipal Board or the division court of the Ontario Supreme Court of Justice have ruled on it.

"We think the MOE got it right," said FORCE chair Graham Flint last week, adding that uses for the property should reflect its existing zoning.

SMC wants to test a water recirculation system that will mitigate impacts of the proposed quarry on groundwater in the area.

The company has said the pump testing is necessary to answer area residents' concerns about the quarry's possible effects on water quality and quantity in the surrounding area.

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