

Teri Pecoskie | Thu Nov 01 2012 08:05:44 | 3 Comments | 0 Recommend

Premier to be subpoenaed in Flamborough quarry case

St Marys Cement is capitalizing on a parliamentary loophole to subpoena Premier Dalton McGuinty and other senior cabinet members over their decision to kill the controversial Carlisle quarry project — a decision the company suggests was made to “save the seat” of Liberal MPP Ted McMeekin.

By proroguing the legislature, the premier opened a window for St Marys to initiate a judicial review intended to help determine whether the government acted improperly in halting the proposed 158-hectare quarry near the Flamborough-Milton border. The province put a stop to the project in 2010, issuing an unprecedented zoning order designed to permanently protect the land.

“We were given the green light for the judicial review only about three weeks ago,” said the company’s vice-president and general manager, John Moroz. The next step, he added, is to gather evidence that will help the company demonstrate the decision was “politically motivated.”

But McMeekin called the review nonsense, saying St Marys is looking to “blame the province for some kind of conspiracy.”

“I’m at the point where, frankly, I don’t care what they do,” said the Ancaster-Dundas-Flamborough-Westdale representative. “The reality is they are a publicly traded company that wants to bully their way into my community and I just won’t have any of it.”

Graham Flint, the chair of antiquarry group Friends of Rural Communities and the Environment, was likewise exasperated.

“We’re not surprised, but we continue to be disappointed with the company’s approach to the thing. We really do feel like we’re at a point now where they just will not accept a ‘no’ and no matter what happens or who wades in, they’re going to continue to push.”

Since parliamentary privilege protects sitting members from being subpoenaed while the house is in session or on holiday, the prorogation is the first opportunity for the premier, along with Ministers Jim Bradley and Rick Bartolucci, to be forced to testify. In addition to the judicial review, St Marys has also filed a \$275-million arbitration claim against the federal government under the North American Free Trade Agreement.

“We can’t find a single shred of evidence that they made this decision based on technical or scientific reasons,” said Moroz. He also noted the irony of the situation, given speculation that McGuinty prorogued the legislature to keep unreleased documents on cancelled gas plants in Oakville and Mississauga under wraps.

“If they’re trying to hide documents on the gas plants or trying to avoid giving information by proroguing, in our instance, they’ve done the exact opposite. We may be provided the opportunity to get evidence far sooner than we would have been able to get it.”

A spokesperson for Municipal Affairs and Housing Minister Kathleen Wynne said the government’s decision to issue a zoning order blocking the quarry was based on concerns from Hamilton’s medical officer of health that the development would put local groundwater at risk. Concerns raised by local city and regional councils also played a role.

“We made a decision based on the best interests of the local community, public health and in support of good land use planning,” said Wynne’s press secretary, Kelly Baker.

Both Bradley and Bartolucci declined to comment while the matter is before the courts. The premier’s office referred questions to Wynne.

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KEY EVENTS IN QUARRY BATTLE

Residents and politicians have fought to block the development of the Carlisle quarry for nearly a decade. Here are some key events in the quarrel:

Aug. 2003: Lowndes Holdings Corp. owner David Lowndes purchases 158 hectares of land on the Flamborough-Milton border

May 2004: Plans to develop the property for a limestone quarry are made public

June 2004: Local residents and politicians begin to mount opposition to the quarry proposal

June 2005: Alarms are raised about the effect the quarry would have on nearby wells, creeks and wetlands

June 2006: St Marys Cement purchases Lowndes Holding Corp. and takes over the quarry project

Dec. 2007: Hamilton’s health department determines plans to test a water-pumping system at the quarry site constitute a public health hazard

Nov. 2008: The Ministry of the Environment rejects the results of the water-pumping test and St. Marys refuses to redo the test

Feb. 2009: The Ministry of Natural Resources deems the quarry application incomplete

April 2010: The province issues an unprecedented zoning order intended to protect quarry land permanently

May 2010: St. Marys appeals the province’s zoning decision

Aug. 2011: St Marys files a \$275-million arbitration claim against the federal government under the North American Free Trade Agreement

Oct. 2012: St Marys takes steps to initiate a judicial review of the province’s zoning decision

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The entrance to the site of the proposed St Marys quarry in Carlisle is shown in this file photo from April 2011.

Cathie Coward/The Hamilton Spectator

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Nov 1, 2012 11:12 AM

Subpoena

While it says the premier can be subpoenaed, I don't actually see anyone saying he will be.

Agree (0) | Disagree (0) | Report Abuse

**thehighwayman**

Nov 1, 2012 8:09 AM

Not a fan of McMeekin

BUT ... he has worked hard on this issue. I don't know what is wrong with St. Mary's ... guess their foreign owners think Canadians will roll over and give up. NOT going to happen. They can use their quarry as a suppository!

Agree (1) | Disagree (0) | Report Abuse

**Ralphie**

Nov 1, 2012 7:02 AM

How dare the provincial government listen to the people!

How dare the provincial government listen to the people in Flamborough and Milton who didn't want the quarry. Funny how Milton is actually in a Tory held riding but as always, the Spec never lets the facts get in the way of Liberal bashing. I know the Spec would love to see us go back to the days of Mike Harris when the last thing the government did was listen. Remember amalgamation of Hamilton?

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