

FROM THE OFFICE OF Liliane Gingras
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FILE NUMBER 66311-00001

July 18, 2008

DELIVERED BY FAX

Evangeline Berlie
Environmental Review Tribunal
655 Bay Street
Suite 1500
Toronto, Ontario M5G 1E5

Dear Ms. Berlie:

**Re: Friends of Rural Communities and the Environment v. Director, Ministry of the
 Environment (Case No. 08-053)**

Thank for your letter of earlier today with respect to the application for leave to appeal of Friends of Rural Communities and the Environment (FORCE).

We will file the remainder of our material in support for FORCE's leave to appeal application before the expiry of the leave to appeal period under the *Environmental Bill of Rights*, and will also file, as directed in your letter, submissions on the issue of standing by Friday, July 25, 2008.

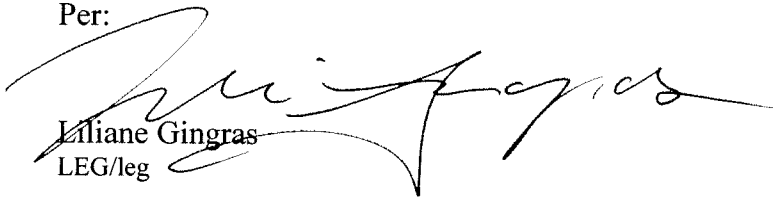
Please find attached a letter of today's date to St. Marys Cement Inc. (Canada) requesting that St. Marys not proceed with its testing activities until a decision on the application for leave to appeal is rendered. We continue to trust that St. Marys will respect the EBR process, and not proceed with testing until FORCE has had a chance to be heard by the Environmental Review Tribunal.

Thank you for your prompt attention to this matter

Yours truly,

DAVIS LLP

Per:



Liliane Gingras
LEG/leg

Encls.

cc: David Crocker, *Davis LLP*
Isabelle O'Connor, *Legal Services Branch, Ministry of the Environment*
The Director, Ministry of the Environment
John Moroz, St. Marys Cement Inc. (Canada) (via fax and email)
Gord Miller, Environmental Commissioner of Ontario

FROM THE OFFICE OF David Crocker
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FILE NUMBER 66311-00001

July 18, 2008

DELIVERED BY FAX

John Moroz, Vice President and
General Manager, Aggregates, St. Marys CBM
St. Marys Cement Inc. (Canada)
55 Industrial Street
Toronto, ON M4G 3W9

Dear Mr. Moroz:

Re: St. Marys Cement Inc. (Canada) - Permit to take Water

We are counsel to Friends of Rural Communities and the Environment ("FORCE").

We are writing to inform you that we have sought leave to appeal the Permit to take Water ("PTTW") which was issued to St. Marys on July 8, 2008. We are aware that the PTTW is for a period of eight or nine days less than one year; however, we believe that the Ministry of the Environment ("MOE") has treated the PTTW as an instrument for the purposes of the Environmental Bill of Rights ("EBR") and we are treating it that way for the purposes of our leave application.

We expect St. Marys to "stand down" until the application for leave to appeal has been determined by the Environmental Review Tribunal. The EBR encourages participation by the public potentially affected by decisions made by the MOE. FORCE is, certainly, part of that public with respect to your PTTW. We trust that St. Marys will respect the EBR process so that FORCE can make its concerns known to the ERT.

Yours truly,

DAVIS LLP

Per:

David Crocker
DDC/szp
Davis:3568331.1