



FOR IMMEDIATE RELEASE

January 28, 2009

THROW OUT “UNACCEPTABLE” APPLICATION

FORCE calls for comprehensive review to see if St Marys application complies

Friends of Rural Communities and the Environment (FORCE) has written to the Minister of Natural Resources, Donna Cansfield, on behalf of our communities, asking the Minister to ensure that a comprehensive review is undertaken to determine if St Marys Cement Inc.'s aggregate license application complies with the legislation and regulations.

Section 11(1) of the *Aggregate Resources Act* (ARA) assigns powers to the Minister to exercise in order to assess whether an application complies with the Act and companion regulations. Compliance must be determined before the applicant is authorized to proceed to notification and consultation processes under the ARA. The Provincial Standards under the ARA indicate that MNR will provide a determination of compliance within just 20 days of receipt of the application. Protocols indicate that MNR has to “invite” another ministry, like MOE, to comment.

“Our communities expect the MNR to do more than just check off whether a technical report is present as part of the application file,” said Graham Flint, Chair and Spokesperson for FORCE. “We expect a comprehensive review for compliance and completeness, especially in light of St Marys refusal to redo pumping tests because of unacceptable results, as ordered by the Ministry of the Environment (MOE).”

The MOE informed the company on October 30, 2008 that the results of its Phase 1 pumping test, conducted during summer 2008, were not acceptable. The data was deemed unacceptable because the ministry felt that the data was not sufficiently reliable to help further characterize the aquifer. As well, the data does not provide an adequate baseline against which the effects of testing mitigation systems can be compared. Testing the theoretical and unproven Groundwater Recirculation System (GRS) was planned in future test phases under the Permit to Take Water issued by the MOE in July 2008. The data also did not resolve the MOE's concerns about previous pumping test results conducted in November 2004.



In a letter from St Marys Cement to the MOE on January 22, 2009, the company indicated that it “does not believe that any further data will be gained by repeating Phase 1 of the pumping test and therefore will not be repeating the Phase.” By MOE’s own account, the data underpinning the company’s hydrogeology technical report(s) is unacceptable. In addition, the proposed GRS mitigation system with its trench, has not and will not be tested, based on the company’s above noted position. The GRS is already in question for its design, documented long term operating failures for other uses, and application in this climate, among other issues.

“St Marys seems to think it knows best, even though MOE has ruled otherwise,” noted Flint. “Our community calls on the McGuinty government to throw this application out because it is unacceptable. We call on the government to stand up for its Clean Water and Greenbelt laws and to stop the quarry.”

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Attachment: FORCE letter enclosure



BACKGROUND

- In the Carlisle area (City of Hamilton), groundwater is the source of potable water
- The Carlisle groundwater-based municipal system serves some 3,000 people
- There are hundreds of private individual and communal wells for homes, public schools, farms, and businesses
- Water quality and quantity challenges have been documented for years, including water restrictions and bans during summer months in Carlisle

- The *Clean Water Act* promises protection for Wellhead Protection Areas (WHPA) and significant recharge areas, among other key areas
- The law is premised on the principle of prevention first
- The law is designed to address existing and *future* activities

- The Minister of the Environment's Technical Experts Committee, established during the development of source protection legislation, established a Threats Assessment Framework as part of its November 2004 report.
- The framework identified land use activities that threaten drinking water sources are sufficiently serious to be of provincial concern (Table 3.1 in the Committee's report). Pits, quarries and mines were listed as human-made pathways to the aquifer in this category.
- Their primary issue is "vulnerability" as the direct pathways are made to current or future potential drinking water systems.
- The Technical Experts Committee provided examples of Risk Management approaches for threats of provincial concern (Table 6.2 in the Committee's report). It recommended that pits/quarries and their final land disposition be assessed according to new municipal well standards and be restricted within the 5 year Time of Travel (TOT).
- The Committee also recommended that two pathogen management zones should be delineated within the WHPA (recommendation 46). A 100 metre pathogen security area and a 2 year Time of Travel (TOT) zone should be considered as the area of concern with respect to bacteriological and pathogenic contaminants.
- The proposed St Marys quarry falls within the 2 year TOT to the Carlisle groundwater-based municipal system. It is closer than the 5 year TOT recommended by the Technical Expert Committee. It also falls within one of the key areas recommended as a bacteriological and pathogen management zone.

- The land base of many of the affected communities falls within the Greenbelt Plan as does the St Marys development. The proposed development is situated entirely within the Natural Heritage System of the Greenbelt, the area of highest environmental value.
- The Greenbelt Plan prohibits new or extensions to existing lake-based water systems.



F O R C E
Friends of Rural Communities
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- There is no Plan B for the City of Hamilton or the community of Carlisle if the groundwater-based drinking water system is adversely impacted in terms of quantity and/or quality.