



Approval process too long, costly

SMC encourages province to create clearer process

Dianne Cornish

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Representatives of St. Marys Cement (SMC) and Friends of Rural Communities and the Environment (FORCE) don't often agree, but they've found common ground on at least one point: the aggregate company proposing to open a quarry in northeast Flamborough and the citizens' group opposing it both view the aggregate approval process as too long and costly, not only from a financial standpoint but also in terms of human resources and efforts.

"We agree the process isn't working well and does need some reform," FORCE chair Graham Flint said last week, but he quickly added, "I suspect our directions are different" and the outcomes desired are "polar opposites."

Flint was reacting to a presentation made earlier this month by an executive official of SMC to the standing committee on finance and economic affairs on Bill 68, also known as the Open for Business Act. While addressing the committee in Toronto, John Moroz, vice-president and general manager of the company's aggregate division, talked about "increasing uncertainty faced by SMC, particularly in the permitting and approvals processes." He encouraged the Ontario government to continue to take steps, such as those proposed in the new Act, "to create a welcome environment for investment and job creation."

Noting that SMC strongly supports government proposals "to streamline the regulatory environment for business," he suggested there is a need "to remove unnecessary regulatory overlap that exists between provincial and municipal levels of government." Referring to the company's efforts to obtain an aggregate licence for a quarry at 11th Concession Road East and Milborough Line, he said the company has invested more than \$20 million in the proposal to date and the timeframe for the proposal's determination could take 10 years or more. He said he was citing the proposed Flamborough quarry as "an example where St. Marys Cement is involved in a long arduous regulatory process with multiple special interest groups and duplication of reviews and approvals."

Flint also favours a licence approval process that arrives at a decision sooner than 10 years. The battle between opponents and proponents is protracted and takes a toll, particularly on residents who are concerned about their water supply and the environmental impacts of a quarry, he has argued.

Flint said he believes Moroz's comments to the legislative committee were prompted primarily by the company's failure to find any local agency or municipality that supports its quarry plan.

"They're saying because we don't like the answers we got, the game is flawed." Flint also suggested that it isn't the system that has prevented the company from getting an aggregate licence, but rather the sound environmental arguments against their quarry plan.

Even so, he acknowledged the approvals process needs some changes. "The current process is not serving anybody's needs very well," he said.

The purpose of the proposed Open for Business Act is to reform environmental approvals and remove waste and red tape from the process. The Bill has received second reading and will come back for approval this fall when the government is asked to review the recommendations and changes proposed by the standing committee.

Under the Bill, the Ministry of the Environment (MOE) has proposed amendments to the Environmental Protection Act (EPA) and the Ontario Water Resources Act, both of which have a bearing on several industries, including aggregate operations.

Moroz said the purpose of his presentation to the committee wasn't to propose a major overhaul of the Aggregate Resources Act (ARA), but to encourage the government to streamline the approvals process, reduce overlap and create a clear process for licensing and permitting in the province.

"Oftentimes, well-intentioned government policy, municipal or provincial...is misused," he said while suggesting that groups sometimes use the policies "to frustrate an application." This, he said, drives up costs, not only for the aggregate industry, but also for the taxpayers and aggregate consumers.

Flint countered that the framework of provincial legislation can be used to either support or oppose quarry plans. "They (SMC) wrap themselves in the 'close to market' policy to promote establishment of a quarry while we focus on the clean water policy to further our arguments against their proposal," he said. "It cuts both ways."

Referring specifically to the Flamborough proposal, Moroz said the Ontario government's move earlier this year to use a Ministerial Zoning Order (MZO) to lock the zoning on the quarry site as a means of thwarting SMC's plans to open a quarry there is "inappropriate." The aggregate company has appealed the decision to the Ontario Municipal Board (OMB).

SMC also appealed a subsequent decision by the MOE to deny the company's Permit to Take Water (PTTW) application for further pump tests on the site because of the restriction placed on the property by the MZO. The Environmental Review Tribunal's (ERT's) pre-hearing on the application will begin this Thursday and is expected to continue for several weeks.

Moroz said SMC needs to continue the pump tests in order to answer the public's concerns about impacts to the groundwater from the proposed quarry, while FORCE argues that the OMB should first determine whether the tests are relevant given the zoning freeze on the quarry site.



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