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Cabinet approves expansion of massive Milton quarry **MCGUINTY TRASHES THE GREENBELT**

In a stunning betrayal of the Ontario Liberal government's signature environmental accomplishment, Dalton McGuinty's Cabinet has just approved the expansion of the largest active quarry in Canada in the middle of the Golden Horseshoe Greenbelt. The quarry expansion on the Niagara Escarpment, which is part of the Greenbelt, was vigorously opposed at an 82-day public hearing by two environmental organizations, the Coalition on the Niagara Escarpment (CONE) and Protect Our Water and Environmental Resources (POWER) – both of whom are member groups in the Ontario Greenbelt Alliance. At a minimum, this decision means major disruption for many decades to the Escarpment's natural green corridor just north of Highway 401 in Halton Region.

Dufferin Aggregates' Milton Quarry property is a highly ecologically significant area: The 205-acre expansion will squeeze the Escarpment's continuous green corridor in the Halton Forest, which is the largest tract of forest along the Escarpment south of Grey County and the largest intact upland forest in the Greater Toronto Area. The quarry expansion will provide only 10 to 12 years of stone. Yet the ecological integrity of the Greenbelt will be jeopardized for centuries to come because the environmental mitigation measures during and after quarrying will involve massive engineering works for water control that will need to operate successfully *forever* in an attempt to protect the water resources of the area – wetlands, creeks and groundwater tables.

“It is unconscionable that a government would entrust environmental protection for hundreds or thousands of years to a human-made engineering solution that purports to hold back a wall of water created by mining below the groundwater table – all for the sake of 10 to 12 years of quarrying,” said CONE President Jean Hilborn.

In exchange for squeezing the Escarpment's natural corridor, McGuinty's Cabinet hoped to sweeten the bitter pill of this environmentally devastating decision by stating that Cabinet would support an amendment to the Niagara Escarpment Plan to add to the Plan Area some adjacent lands owned by Dufferin Aggregates. “There is no way that this land swap makes up for the precious natural corridor that will be lost,” said POWER President Leslie Adams. “The Niagara Escarpment is supposed to be permanent and continuous, not something to be shoved around to suit a quarry company.”

CONE and POWER, in their appeal to Cabinet, had advocated a serious examination of the potential to reduce Ontario society's demand for aggregates (stone, sand, gravel and products made from them such as concrete and asphalt) through smarter, more compact urban

development, more public transit instead of more highways, and the recycling of aggregates. The two groups have calculated the amount of recycled aggregate used in public-sector infrastructure projects in Ontario at over 25 million tonnes per year. The Dufferin Aggregates quarry expansion would produce about 5.5 million tonnes annually when recycled sources can provide almost *five times* as much.

The Ontario Cabinet decision on the Dufferin Aggregates quarry expansion is particularly disturbing given Environmental Commissioner Gord Miller's 2005-06 Annual Report released in October, which contains a detailed and scathing critique of the government's handling of aggregate concerns. As Miller stated in his report, "The environment is not adequately protected by the existing regulatory and policy framework for pits and quarries.... The environmental problems with aggregate extraction have been abundantly documented. The need for stronger environmental protection is clear. Measures for reform include ... a strategy of effective resource conservation measures."

The Cabinet decision was accompanied by a two-page statement which attempts to rationalize the quarry expansion. Cabinet states that approving the expansion does not "contravene applicable laws, policies or regulations." On the contrary, CONE and POWER's position is that the expansion offends the very purpose of the Niagara Escarpment Plan. As stated in the Plan, the purpose is "to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure only such development occurs as is compatible with that natural environment." CONE and POWER provided scientific expert witnesses and a 163-page final argument for the public hearing outlining the ways in which the quarry expansion would run afoul of the purpose and objectives of the Plan. The arguments were reaffirmed in a 59-page appeal to Cabinet.

"Dufferin Aggregates is this government's first big, tough decision about protecting the Niagara Escarpment since coming to power in 2003," said CONE's Jean Hilborn, vowing that "This quarry decision will generate outrage in the environmental community and with the Ontario public across the Greenbelt and beyond."

"The decision on Dufferin Aggregates is an obvious signal that the McGuinty government is abandoning environmental protection as a top priority in the run-up to the October 2007 provincial election," said POWER's Leslie Adams. "This does not bode well for the government's chances next fall given the justified concern that Ontarians are increasingly voicing on environmental issues."

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CONE, founded in 1978, represents the interests of its 27 member organizations, both province-wide associations (including groups such as the Canadian Environmental Law Association and Ontario Nature) and community groups along the Escarpment. CONE has worked consistently over the past 28 years for the protection of the Niagara Escarpment and its many values to Ontario society through policy analysis, public education and monitoring implementation of the Niagara Escarpment Plan. www.niagaraescarpment.org

POWER, a member of CONE, was formed in 1987 by Halton Hills citizens in response to a proposal to turn a mined-out quarry on the Escarpment near Acton into a landfill site. Incorporated in 1989, POWER is an advocate for both the Niagara Escarpment and positive actions for a sustainable environment in Halton Hills and beyond. Since 1998, POWER has concentrated on proactive collaborative approaches to foster environmental sustainability from the local to international level. www.powerhalton.ca

Dufferin Aggregates: Milton Quarry Timeline

1962: Dufferin Aggregates blasts a large gap out of the Niagara Escarpment cliff face at the site of the existing quarry near Milton, igniting public concern about protecting the Escarpment. "The Gap" was the single most important event prompting a series of provincial government actions that led to Escarpment protection legislation and formation of the Niagara Escarpment Commission in 1973, then passage of the Niagara Escarpment Plan in 1985.

1985: Niagara Escarpment Plan (NEP) is approved by Ontario Cabinet, with new or expanded aggregate pits and quarries restricted to the Escarpment Rural Area designation and subject to approval of a Niagara Escarpment Plan amendment to change the designation to Mineral Resource Extraction Area.

1990: UNESCO designates Ontario's Niagara Escarpment a World Biosphere Reserve.

1994: New Niagara Escarpment Plan approved by Cabinet after five-year review with same provisions for pits and quarries in Escarpment Rural Area.

January 2001: Dufferin Aggregates files applications for a number of approvals related to an 83-hectare (205-acre) expansion to their 468-hectare (1,156-acre) Milton Quarry, of which 69 hectares (170 acres) is located within the Niagara Escarpment Plan area (Escarpment Rural Area designation). In addition to a Niagara Escarpment Plan amendment, they are also seeking Halton Hills and Milton official plan amendments, a Halton Region official plan amendment and an *Aggregate Resources Act* quarry license for the proposed expansion.

September 2002: After months of technical review of Dufferin's applications by a Joint Agency Review Team – Halton Region, Halton Hills, Milton, Conservation Halton, Niagara Escarpment Commission (NEC), Ministry of Natural Resources – NEC planning staff recommend that the NEC oppose the proposed NEP amendment on a number of grounds. NEC planning staff then ordered by their staff director to add an alternate recommendation of support with conditions.

October 2002: NEC (dominated by P.C. government appointees) votes to support the quarry expansion with conditions.

January 2004: Consolidated Hearings Board (Joint Board) hearing into Dufferin Aggregates' many applications for the quarry expansion begins in Milton. The three parties at the hearing are Dufferin, Halton Region together with Conservation Halton (the conservation authority), and the Coalition on the Niagara Escarpment (CONE) joined with Protect Our Water & Environmental Resources (POWER) as a combined party.

November 2004: Joint Board hearing concludes after 82 hearing days – one of the longest and most expensive environmental hearings in Ontario history. CONE/POWER has mounted a strong case with several expert witnesses, causing Dufferin to call additional witnesses to address CONE/POWER's concerns. CONE/POWER case focuses on proposed destruction of the Escarpment's continuous natural corridor and on need for engineering works to operate in perpetuity to maintain natural water levels in the quarry area.

June 8, 2005: Joint Board releases its decision, approving the quarry expansion with 44 conditions.

June 29, 2005: CONE/POWER exercise their right under the *Consolidated Hearings Act* to appeal the Joint Board decision to Cabinet. The CONE/POWER lawyer files a 59-page appeal citing the reasons that the Board's decision runs contrary to the public interest and public policy.

August 10, 2005: Dufferin Aggregates and Halton Region file responses to the CONE/POWER appeal with Cabinet.

September 8, 2005: CONE/POWER files with Cabinet its 40-page reply to the Dufferin Aggregates and Halton Region submissions.

November 29, 2006: Cabinet confirms approval of the quarry expansion subject to changes in some of the conditions and accompanied by a two-page "Statement of Cabinet" which attempts to justify the approval.