

St. Marys refuses to redo test, asks for quarry licence

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St. Marys Cement is refusing to repeat a water-pumping test rejected by the Ontario Environment Ministry and is pushing to get a provincial licence before Hamilton decides whether to rezone the site to permit a quarry.

Rick Smith, executive director of Environmental Defence, an advocacy group, calls the moves aggressive, hostile and antisocial. He wants Premier Dalton McGuinty to halt the approval process.

"This reinforces the submission that St. Marys is not a good corporate citizen and is not interested in working with the community to allay its concerns," he said. "They are acting in an incredibly aggressive and precipitous fashion.

"The ball is now in the provincial government's court. If a proponent can tell the Ministry of the Environment, in effect, to stuff it, and ignore required water testing, the system is broken. It can't let them proceed without demonstrating the project can operate safely.

"The province needs to put its foot down. If it lets them get away with this, it will completely undermine environmental planning in Ontario."

St. Marys, owned by a Brazilian multinational, wants to quarry limestone on 158 hectares on 11th Concession East at Milborough Line, close to the boundaries of Hamilton, Burlington and Milton. A review team from those municipalities and Halton Region is still studying the proposal. The land is currently zoned for agricultural use.

Hamilton planning director Paul Mallard said: "We would consider this premature. There are still a number of outstanding issues to be dealt with, including water, truck haul routes and natural heritage (features of the site)."

Jennifer Tuck, speaking for St. Marys, defended it as a socially responsible company. She said aggregate licence applications typically go in at the same time as zoning applications, but the previous property owner, Lowndes Holdings, chose not to do so. She said St. Marys told area residents it intended to apply last year.

St. Marys obtained an Environment Ministry permit to conduct water-pumping tests aimed at proving it can keep a 10-storey-deep hole dry without draining water wells, wetlands and streams. But the ministry said results of the first test were unreliable because of heavy rain.

In a surprise move last week, the company told the ministry it considered the results valid and wouldn't repeat the test. It submitted its quarry licence application to the Ministry of Natural Resources the same day and said it wouldn't try to prove its dewatering system until it gets a licence.

Bill Bardswick, regional director of the Environment Ministry, e-mailed east Flamborough Councillor Margaret McCarthy to say the ministry cannot order the test repeated, but will not consider issuing a water permit for the quarry "until the necessary studies (which includes pump tests) are carried out."

Graham Flint, chair of the citizens' group FORCE, said: "It is becoming more and more clear we are dealing with a bully, thumbing its nose at the Environment Ministry, thumbing its nose at regional and city governments."

McCarthy sent an e-mail to constituents and others in Halton saying, "Bring it on; we'll handle whatever they want to throw our way."

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