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## Test permit surprises quarry foes

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The anti-quarry group FORCE accuses the Ontario Environment Ministry of trying to deny the public the right to appeal a permit issued yesterday to St. Marys Cement for controversial water-pumping tests seen as a threat to Carlisle's municipal wells.

FORCE, which said early in the day it would seek leave to appeal to the Environmental Review Tribunal, was taken aback when it discovered the permit was for 356 days -- nine days short of a year -- and permits for less than a year are not subject to appeal.

The office of Environmental Commissioner Gord Miller, contacted by The Spectator, was also surprised by the dating and had to look up the regulation to learn that permits of less than a year are not "Class 1 instruments" and therefore not subject to appeal.

"We didn't know," said a media officer in the commissioner's office.

FORCE chair Graham Flint said: "We're very alarmed. We had always indicated we would pursue every avenue at our disposal and we will still seek to move ahead with a leave to appeal. The ministry seems to be applying a technicality here. There seems to be a deliberate attempt to remove our right to environmental protection and democratic process."

Carl Slater, manager of technical support in the ministry's Hamilton office, said: "That's not the case. Pumping-test permits to take water, in our experience, are always for less than a year. They (the applicants) don't request a time frame. We look at the period they want to pump and give them a window. It's usually on the order of weeks or months.

"In this case, because the tests are phased, and we are asking for reports between tests, we had to give them longer."

Jennifer Tuck, speaking for St. Marys, said the company did not ask that the permit be for less than a year. She said timing will be tight for the phased work, but the company is confident of finishing before June 30, 2009.

St. Marys, a Canadian subsidiary of Brazilian multinational Votorantim Cimentos, owns 158 hectares at 11th Concession East and Milborough Line where it wants to dig a 13-storey-deep limestone quarry. The pumping test is needed to demonstrate the feasibility of a system proposed to keep the quarry dry without damaging nearby wetlands, streams and wells.

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