



FOR IMMEDIATE RELEASE

July 18, 2008

**FORCE APPLIES TO SEEK LEAVE TO APPEAL
ON ST MARYS PERMIT TO TAKE WATER (PTTW)**

Community Expects St Marys Testing Activities to Stop until Tribunal Rules on Application

On Friday, July 18, 2008, legal counsel for Friends of Rural Communities and the Environment (FORCE) served and filed a Notice of Application for Leave to Appeal relating to the Permit to Take Water (PTTW) issued by the Ontario Ministry of the Environment (MOE) to St Marys CBM for its proposed Flamborough quarry. Legal counsel has asked in the application that the PTTW be stayed until a determination has been made on the application. The PTTW was granted on July 8, 2008. Legal counsel also issued a stand down letter to St Marys on behalf of FORCE.

St Marys has announced it will begin its water testing program as early as Monday, July 21, 2008. Given FORCE's actions, it is expected that St Marys will stop all testing and related procedures until the Environmental Review Tribunal (ERT) rules on the FORCE application for an Interim Stay. The leave to appeal application is being made under provisions of the Environmental Bill of Rights. The ERT is the body which will decide this application.

"We expect St Marys to stop implementing the PTTW until the ERT speaks," said Graham Flint, Chair and Spokesperson of FORCE. "The community is entitled to pursue its legal democratic rights and we expect St Marys to honour them."

St Marys has demonstrated it is not the good neighbour that it claims to be. It has drilled holes in local roadways without appropriate permits. Recently it chose to hold its Public Information Centre #4 haul route meeting on the same evening as FORCE had scheduled its Annual General Meeting (AGM) although it was informed of FORCE's meeting date and the conflict weeks in advance. FORCE acted in the community's interest and moved its AGM date so that residents were not torn between two meetings on this important community issue on the same night.

"If St Marys continues to take any actions to implement the PTTW, it will prejudice our legal application and continue to show that the company is failing to earn its social license to operate in our community," noted Mr. Flint.

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St Marys CBM applied to the MOE for a Permit to Take Water (PTTW) during October 2006. The PTTW application is to allow the company to test its unproven and theoretical groundwater recirculation pumping system for the proposed quarry. This system is being put forward by St Marys CBM to address what their own technical reports describe as “unacceptable impact” on area groundwater resources from the proposed quarry.

St Marys CBM purchased Lowndes Holdings Corp. in 2006 which included 380 acres of land to develop the massive below the water table quarry. The company also owns an adjacent parcel of 154 acres with the stated intention to expand. The lands are completely within the Natural Heritage System of Ontario’s Greenbelt including Provincially Significant Wetlands and significant woodlands. The lands are also found within the 2 year Time of Travel (TOT) Wellhead Protection and recharge areas for the Carlisle municipal water system.

FORCE’s legal and technical experts have identified policy and scientific reasons why the PTTW decision is not reasonable and could result in significant harm to the environment. The safeguards of exercising the precautionary principle and waiting for source protection planning to advance have not been done. The GRS aspects of the test are novel and untried making them discriminatory to the community. Other elements of the test make it unrepresentative of a quarry and its impacts. Matters such as these require scrutiny before testing is allowed to proceed. This is especially the case where one can expect that this series of tests will lead to further testing. It is important to establish an appropriate testing and regulatory framework from the start.

“St Marys needs to know that FORCE is here to protect the community and our drinking water”, said Mr. Flint. “We will do everything we can to protect it. That is why we are initiating this legal action.”

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