



## CRC Newsletter

### Summary of Ontario Municipal Board 2<sup>nd</sup> Pre-Hearing, Tele-Conference

Tuesday, March 1 at 11 am

This newsletter brings you a brief report on the OMB Pre-Hearing Conference which took place this morning by phone. Formal minutes will be prepared by the OMB.

First some key points, followed by some more detail.

#### Key points for CRC supporters:

1. Issues lists from GET, Halton Region/Halton Hills and CRC will be consolidated into one list this week. As we understand it, this does not take away from CRC's questions and arguments on any given issue; it may pave the way for more detailed discussions with municipal staffs on specific issues.
2. CRC will not be permitted to address as a stand-alone issue, at the OMB Hearing, the applicant's history of compliance with the Aggregate Resources Act.
3. We have until June 30 to engage our expert witnesses and have them prepare a witness statement for the Hearing.
4. GET lawyers are in active discussions with JDCL to resolve outstanding issues, and we are seeking details of those discussions.
5. Halton Region and the Town of Halton Hills will not be completing their studies on the haul route until the end of June, since they need to study traffic volumes during the active construction season.

#### Now the details...

##### OMB Chair: Reid Rossi

Reid Rossi, Chair at this morning's OMB Pre-Hearing Conference (PHC), will not be hearing the Hidden Quarry case in September. He retires in May. In any case, there is no requirement for PHC Chairs to be the same as the Member who hears an OMB case.

##### Parties in (phone) attendance:

David White, Counsel for JDCL

David Nelligan, representing Elaine Costello, Counsel for GET

Jeffrey Wilker, Counsel for Halton Region and the Town of Halton Hills

Laura Bisset, representing Chris Barnett, Counsel for CRC

CRC President Doug Tripp, Directors Dan Kennaley, Michele Dawe and Perry Groskopf, along with about a dozen CRC supporters were in attendance in the GET Council Chamber listening in on the speaker phone there. Many other CRC supporters (count uncertain) listened in at home.

## The Pre-Hearing addressed the following:

### 1. Issues and Witness Lists

- a. Mr. Rossi confirmed that he had received Issue and Witness lists from all Parties.
- b. Mr. Rossi stated that the following issue from CRC's issues list will not be adjudicated as a stand-alone issue, although it may be referenced in other testimony:

#### *24. Aggregate Resources Act*

*In terms of whether the licence under the Aggregate Resource Act ("ARA") should be issued:*

*(iv.) is the applicant's history of compliance with the Act such that issue of a further licence for the proposed quarry is appropriate.*

- c. Mr. Rossi pointed out that the issues lists from GET, Halton Region/Halton Hills and CRC had many issues in common. He requested that the issues lists be consolidated to remove redundancies. He made it clear that the OMB would not want to hear duplicate testimony on any given subject.
- d. Mr. Nelligan (GET) agreed to coordinate, with the Parties opposing the Hidden Quarry proposal, the preparation of a consolidated list by next Tuesday, March 8.
- e. Mr. Rossi indicated that he was sensitive to the CRC's need to raise funds to present its case to the OMB. He hoped that some stream-lining among Parties opposing the application would be to CRC's benefit.
- f. Mr. Wilker (Halton) clarified that the issues of hydrogeology and haul routes would be defined for their purposes by the regional/municipal boundary lines, but that it was also important to note that aquifers recognize no human borders.

### 2. Pre-Hearing Schedule:

- a. Mr. White (JDCL) had sent a proposed schedule to the OMB for submission of expert witness statements in the past few days. He had proposed that JDCL's witness statements would be circulated on March 18 and further proposed that all other Parties (including CRC) would circulate their witness statements on April 15.
- b. Ms. Bisset (CRC) responded that it would not be practical to meet this deadline given that more time was required for preparation. Mr. Wilker (Halton) also provided several reasons that he could not meet this 'ambitious' timeline, including the fact that traffic studies would be underway in Halton Hills up to the end of June to complete their research on the potential haul route impacts. Mr. Nelligan (GET) said that he could meet the suggested timeline, but that he would not want to step on the toes of the other Parties if they required more time.
- c. Later in the meeting Ms. Bisset (CRC) presented an alternate timeline:
  - JDCL - deliver witness statements by July 12
  - Responding parties - deliver witness statements by August 16

- Reply by JDCL - deliver by August 30
  - Visual evidence - deliver by September 6
  - Expert meetings - to occur on or before September 16
- d. By the end of the meeting it was agreed that JDCL would provide witness statements prior to the scheduled May 5 and 6 Pre-Hearing Conference, and that the other parties would submit witness statements no later than the end of June, giving more than two months' time for identifying outstanding issues.

**3. Mediation:**

Mr. Rossi asked where the Parties stood on the question of formal mediation.

- a. Ms. Bisset (CRC) indicated that there are many fundamental issues which must be addressed, that CRC is not ready for negotiation, but that CRC is open to narrowing the list of issues. Mr. White (JDCL) indicated that they had as yet not discussed mediation. Mr. Nelligan (GET) said that they had no formal plans for mediation, but that the Township was in communication with JDCL already on various issues. Mr. Wilker (Halton) indicated that he has instructions for mediation, but that it is pre-mature at this time given incomplete studies on haul routes, for example. He has had some off-the-record conversations with JDCL.
- b. Mr. Rossi recommended to CRC that we keep our minds open to mediation – but that there is no obligation to mediate at this time.

**4. Wrap-up:**

Mr. White (JDCL) pointed out that CRC has been involved in this application since 2012 (note: in fact, only since 2013). He added that he had been having productive discussions with GET and that he is optimistic that all or most of the issues can be resolved. Mr. Rossi re-iterated that he understands CRC's issues with funding, etc. even though we have been involved since the beginning. He believes it is in the public interest to give enough time to do it right.

Mr. Rossi emphasized that the September Hearing (beginning September 27 for up to 7 weeks) will take place as planned, and that no delays should be expected.

Formal minutes of the meeting will be circulated to Participants, and can be viewed on line at:

<https://www.omb.gov.on.ca/english/eStatus/eStatus.html>

Enter Case # PL150494 in the space provided.

**Next Pre-Hearing Conference:** Thursday, May 5 and Friday May 6 as required.

Location: GET Council Chambers