



## Working to protect your community and environment

### OMB process is re-launched: Pre-Hearing Conference #1 Thursday, November 2 at 10 am at GET Offices

A little more than a year ago, OMB Co-Chair Steven Stefanko adjourned the Hearing on the Hidden Quarry application indefinitely, pending re-application by JDCL to GET for re-zoning and a first application (under the revised Official Plan) to Wellington County for an Official Plan amendment for the proposed site.

In December 2016, JDCL made a new application. By the end of June the company had appealed once again to the OMB non-decisions by GET and Wellington County within stipulated Planning Act timeframes.

**Today, the process began anew with the first Pre-Hearing Conference on this new application.**

**CRC Presence:** Once again, CRC stalwarts filled the Hall and parking lot. Once again, no one could doubt the continuing concern by residents. Thanks to all who attended!



**Surprise #1:** When we all stood to acknowledge the arrival of the OMB Co-Chair, we were amazed to see that Steven Stefanko was once again at the helm. He had planned to follow through on the Hidden Quarry adjudication when he adjourned the case last year, but had some health issues after the Hearing. His return is good news, as we see it, because he comes with full knowledge of the history of the case and knowledge of many of the players.

**Surprise #2:** We were aware that Wellington County would be a new Party to the Hearing since the Official Plan is central to the zoning discussion. We did not know that the Ontario Ministry of Natural Resources and Forestry (MNRF) would be a Party. The Ministry approves and regulates licences for aggregate operations under the Aggregate Resources Act. Last year MNRF had not opposed the application, but the licence was still under review by the OMB because there were so many objectors whose concerns had not been resolved. There is a reason the Ministry is now a Party which is explained below.

**Parties:** There are now 7 Parties: James Dick Construction Limited (JDCL), CRC, Guelph Eramosa Township (GET), Wellington County, Halton Hills, Halton Region and the Ministry of Natural Resources and Forestry (MNRF).

**Positions:** There are, it would appear, three Parties who have not yet taken a position on the new application. They are GET, Wellington County and MNRF. CRC remains opposed, as do Halton Hills and Halton Region. JDCL is in favour of the application, of course!!

#### **Why do GET, County and MNRF not have a stated position at this time?**

A year ago, the Grand River Conservation Authority (GRCA) had not opposed the Hidden Quarry application. However, in 2017, the GRCA opened a file on the new application. Based on the new criteria for evaluation contained in the revised County's Official Plan, including

consideration of impacts on the Paris Galt Moraine and some new questions about groundwater modelling presented by CRC, the GRCA determined that a series of questions pertaining to water issues must be presented to JDCL to satisfy GRCA's concerns (see attached). The GRCA then recommended to Wellington County, GET and MNRF that decisions on the Hidden Quarry application be deferred until GRCA had received and assessed the answers from JDCL. At that time, GRCA staff would present their assessment report to the GRCA Board before distributing it.

**To date, the GRCA has not submitted a report to the Board.**

Today, JDCL's lawyer stated that all questions had been answered and reported to the GRCA. He further stated that nothing had changed in their proposal as a result of this extended study. The only new information JDCL would submit to the OMB would be a new study relating to truck traffic in Acton.

**Today, the lawyers for GET and Wellington County, stated that their clients could not take a position on the application because they had neither received, nor assessed, the GRCA Report.** They, like CRC, have received the JDCL responses. CRC's experts are currently assessing the JDCL report to GRCA.

**Hearing Schedule:** Because positions have not been taken by these key Parties, it was determined that the Hearing could not be fast-tracked as JDCL would have liked. All Parties would need time to assess a GRCA Report and any resulting correspondence from all Parties' experts.

After much discussion, Steven Stefanko ruled that the **next Pre-Hearing Conference would take place on Thursday, April 5** at GET Council Chambers at which time a date would be set for the Hearing. (He did say that he prefers the Fall of 2018 for the Hearing itself.) At this second Pre-Hearing Conference positions would be stated, and witness lists and issues lists provided.

There is one question to be resolved about a Fall 2018 Hearing. CRC's lawyer Chris Barnett and Halton Hills/Halton Region's lawyer, David Germaine, are both involved in other Hearings at that time. In discussion it was suggested that this may not be a problem since many factors can shift over time. CRC will keep in close contact with Chris Barnett on this issue.

**Participants:** CRC lawyer Chris Barnett presented the list of Participants to the OMB.

**What's Next?** We are moving slowly ahead, but we have learned to take nothing for granted. Now that we have a second Pre-Hearing Conference date, we are once again in **OMB Alert Mode!** Our experts are at work assessing all new JDCL studies as they come, ready for the GRCA Report. Once again, we have expenses and are building up to our second major fund-raising campaign. **WATCH FOR NEWS!**

**Working together, we will win at the OMB!**

