



LPAT Day 2 – May 22, 2019

Another day done! How we appreciate the orderly proceedings, the polite addresses, the respectful “Sirs and Madams”, the deference to the Chair, the patience with tabs, tables, appendices, in the dozens of witness books – a reference number for everything. Six years of raw emotion, tonnes of studies, revisions and responses, disparagement by JDCL, highs and lows, tears and laughter, everything is now settled into this chamber of rules and rulings.

IMPORTANT HOUSEKEEPING UPDATE:

1. There will be **no Hearing this Friday, May 24** after all.
2. There will **no Hearing on Friday, June 28**.
3. The **agenda for tomorrow** is at the end of this report.

Session Content (This is not a detailed report – just a very simplistic record of activity):

1. **Greg Sweetnam of JDCL** completed his evidence on the project overview.
2. **Halton Region lawyer D. Koev cross-examined Mr. Sweetnam** at some length about the company’s Adaptive Management Plan and proposed haul routes.
3. **CRC lawyer Chris Barnett cross-examined Mr. Sweetnam** and
 - a. questioned JDCL’s emphasis on need when the Provincial Policy Statement states that companies are not required to show need;
 - b. made it clear that JDCL’s application must be assessed in the context of current regulations whatever their concerns about need; and,
 - c. asked how much additional land JDCL owns in the vicinity of the Hidden Quarry. Mr Sweetnam indicated that the company owns 200 acres on Eramosa 6th Line across from the Hidden Quarry which has not yet been assessed for its aggregate potential.
4. Mr. Sweetnam explained to Chair Tousaw: “We just need some approvals.”
5. **The Motions:** After lunch, Mr. Tousaw, the Tribunal, ruled to deny the Motions submitted by CRC and Halton Region that called for the prohibition of testimony from certain JDCL witnesses, possibly with some mitigation to be determined later. On the matter of duplicate experts, the Motion was approved with the expectation that one or more witnesses will not be called “. . . and as a result, one of the two blasting witnesses listed by JDCL will not testify. The Tribunal went on to say that it does not approve of the approach used by the Party (i.e. JDCL) but doesn’t see it as having met the threshold for the remedy requested, prohibition of testimony.
6. **Robert Stovel, Planner and Agricultural Analyst for JDCL**
 - a. gave evidence walking through the **site plans** to explain all the factors taken into account for operation of the quarry. The site plan contains all technical details on operation, monitoring and mitigation – it is, in effect, the document which lives with the quarry throughout its life and is the basis for audits and evaluations of the operation, and for complaint protocols.
 - b. Detailed his **Agricultural Impact Study** and the rationale for the quarry not having a negative impact on adjacent agriculture and why he did not value the property itself as significant agricultural land.
7. In **cross-examination, Chris Barnett** reviewed the regulatory references Mr. Stovel did not reference in his review of the application, discovered that he had not consulted local farms and agricultural businesses, and confirmed that significantly more prime agricultural land would be lost than projected in the report (1 % vs 10 – 15%).
8. **Traffic Engineer, Kim Nystrom of Cole Engineering**, testified about proposed changes to the 6th Line Eramosa and 5th Line Nassagaweya intersections with Hwy. 7...adding left turn lanes. He began testimony on the haul routes which he will complete tomorrow.

What’s on the agenda for tomorrow?

1. Conclusion of Kim Nystrom’s testimony.
2. Cross examination of Kim Nystrom.
3. Evidence by JDCL Air Quality Expert, Mr. Brian Sully
4. Friday off!!!!

See you there! Bring a cushion!