



LPAT Day 4 – May 27, 2019

Day 4 is done. A truly beautiful day outdoors. A day of truth-seeking indoors! We are hanging on every word. Perry Mason was never as good as this!

IMPORTANT HOUSEKEEPING UPDATES:

1. **Hearing times are 9:30 to 4:45** unless otherwise advised. There is an hour for lunch at no specified time. There is a morning and an afternoon break.
2. There will **no Hearings on Friday, June 14 and 28.**
3. The **agenda for Tuesday** is at the end of this report.
4. [Sign in on our roster here.](#)
5. **BRING A CUSHION!**

Session Content (This is not a detailed report – just a very simplistic record of activity because of the complexity of the issues, technical analyses and regulatory requirements. Any inaccuracies or opinions are Linda Sword's, not CRC's!!):

1. **JDCL's Acoustical Engineer, Rob Rimrott**, testified. He began by explaining that he had discovered that there was an error in the 2015 noise modelling that he had not noticed until 3 days ago. (GET's peer reviewer, Novus, had also missed this.) As a result of the new modelling the berm along the boundaries of Phase I from northeast to northwest would have to be raised by a metre. Under cross-examination by Chris Barnett, it became clear that the footprint of the berm would also, therefore, have to be expanded. C. Barnett noted that if the quarry had been approved in 2016, this error would have been missed. He also noted that Rob Rimrott had not noted the higher elevation of the bridge over the Brydson Tributary in his report. Mr. Rimrott also testified that stockpiles would be used as part of the processing noise mitigation system, in spite of the fact that these might change in height during operations. According to the witness, the sound would not exceed either GET or provincial limits given the presence of berms. It should be noted that C. Barnett had, in his motion on Day 1, asked that neither Rob Rimrott nor Brian Sulley (Air quality) be admitted as witnesses because their witness statements were not in accordance with LPAT rules. Clearly, errors and last-minute changes are one of the implications of relying on existing studies rather than reviewing, honing and giving shape to evidence.
2. **JDCL's Blasting Engineer, Robert Cyr**, testified to the safety of the blasting operations. He stated that there would be no damage to historical structures, houses, etc., but that they were not required to assess potential damage to businesses. He also stated that there would be no impact on fish since there were none within 120 metres, but that there would be no blasting during spawning season of nearby habitat. He stated that fly rock is not required to be addressed by provincial standards, but that fly rock is not permitted to leave the site. He did say fly rock could happen, but it is not common. He presented several mitigation techniques. Under cross-examination by Halton Region lawyer, Mr. Cyr explained that although he creates blasting scenarios based on experience, operational decisions about amount of explosive, size of holes, number of holes, etc. can only be made after the operation begins. It takes at least the first 4 blasts before conditions can be accurately assessed. He also explained that if some explosive is not detonated and is dissolved or suspended in the water into which the rock falls, it would be very difficult to retrieve it before it mixed with groundwater. C. Barnett's cross-examination established in detail that some of the variables in the blasting formulae cannot be confirmed until blasting begins. When C. Barnett asked about formula used for fly rock exclusion/danger zones, Mr. Cyr said it would be irresponsible to determine in advance what the safety zones should be. Ultimately our lawyer proved in a variety of ways that there was no certainty in the projections of a safe operation. In fact, in Mr. Cyr's 2014 report he had stated that they would "ensure that no possibility of damage [to adjacent property] exists"; and in his 2019 report he has changed the wording to "the possibility of damage to buildings, structures...will be suitably mitigated." He had to agree with C. Barnett that he had lowered the bar on his earlier standard.

What's on the agenda for tomorrow?

Testimony of JDCL's Hydrogeologist, Stan Denhoed.