



Concerned Residents Coalition Statement on the Hidden Quarry LPAT Decision

February 2020

Hidden Quarry Decision Reveals Ontario Government Puts Profits over People

The Local Planning Appeals Tribunal (LPAT) released its interim decision on Friday February 11 and approved James Dick Construction Limited's application for re-zoning and a licence to mine aggregate at the Hidden Quarry in Rockwood.

This flawed decision reveals that Ontario's self-proclaimed "Government for the People" puts higher priority on the profits of aggregate companies than the integrity of rural communities and eco-systems.

*"There is no question that a quarry will result in some disruption to the area during its operation. **A generation will grow up during this time when, compared to today, there will be regular blasting and more noise and trucks.**"*

S. Tousaw, LPAT Member
Decision PL170688, Hidden Quarry

The Hidden Quarry will devastate our community. It will change forever the lives and livelihoods of residents, and the character of the neighbouring town of Rockwood. It will put at risk residents' drinking water. It will add danger and toxic dust to our local roads and towns along the haul routes, including Halton Hills. It is the "foot in the door" for more quarries to come, such as in the adjacent 200-acre parcel recently purchased by JDCL and other lands to the south of the quarry site including Milton, Eden Mills, Campbellville and Crewson's Corners to the east. Several species already at risk, including the endangered Little Brown Bat, will be threatened.

Altogether it is a dangerous intrusion into our rural community and its complex eco-system.

No Need for the Hidden Quarry now; Future aggregate demand will decrease as climate crisis deepens

The Ontario government does not need the Hidden Quarry. Ontario's 7000+ licenced pits and quarries represent an existing 50-100-year supply of aggregate. Many of these operations sit idle (and unrehabilitated) as aggregate operators move from site to site chasing current markets.

As a consequence, aggregate operators receive approval to open new pits and quarries that tear apart the fabric of rural communities and ecosystems. This has immediate consequences and also exposes communities to long term risks as the climate crisis deepens.

Aggregate operators make the misleading claim that extracting gravel close to market is environmentally sound, suggesting shorter truck haul routes reduce carbon emissions. Greater reductions in carbon emissions could be achieved by rationalizing the aggregate industry's poorly organized supply system. This would reduce significantly the need for new pits and quarries.

Aggregate extraction is a major source of carbon emissions. Cement is the source of about 8% of the world's carbon dioxide emissions. If the cement industry were a country it would be the third largest emitter in the world.

The aggregate industry will undergo radical changes as the climate crisis deepens. The demand for aggregate will decline as reductions in cement production and highway construction will be required to reduce carbon emissions to mitigate the impacts of the climate crisis.

Community Takes All the Risks While James Dick Takes All the Profits

While the community and environment take all the risks, JDCL will take millions of dollars of profit from extracting aggregate.

JDCL’s proposal to the LPAT hearing included many errors. This is of concern as JDCL’s track record includes the “accidental” and disastrous breaching of the aquitard at the Dolime Quarry in Guelph.

The Hidden Quarry will expose the community and environment to numerous risks over the quarry’s operational life cycle – which may exceed the proposed 20 years.

The Hidden Quarry decision relies on JDCL to establish and maintain a complex monitoring system to offset all the risks involved in blasting into the fractured rock and Paris Galt Moraine land situated between upstream wetlands; downstream brook trout habitat; private well water; and one of Rockwood’s municipal wells.

JDCL has proposed a complex monitoring regime over the life of the Hidden Quarry. MNRF has neither the capacity nor the will to enforce compliance with appropriate operational standards in the aggregate industry.

This will force upon residents and the municipality the burden to protect for decades the safety and health of community and local businesses.

“There are fragile source waters from ponds and wetlands to the north flowing through the quarry site, and an environmentally sensitive cold water stream and pond providing fish habitat immediately to the south, and they want to blast a 100-foot deep hole and build a heavy industrial operation right in the middle. What could possibly go wrong!”

*Dr. Karl Scheifer,
Hearing Testimony*

Hidden Quarry Decision Proves the Failure of the LPAT hearing Process

The Hidden Quarry case proves the failure of the LPAT system. The Local Planning Appeals Tribunal hearing process, (formerly OMB) is **designed to produce decisions that favour aggregate companies**. The LPAT hearing process empowers a single arbitrator to simply “prefer” the evidence aggregate companies present to that of community needs. There is no check on the arbitrary nature of the decision, no need for justification of the arbitrator’s “preferred choice of competing evidence”, and for all intents and purposes, no feasible recourse for parties opposing the decision.

It’s hard to imagine a community having a more powerful case than the one opposing the Hidden Quarry. The Concerned Residents’ Coalition committed Board of Directors raised more than \$800,000 to make the best submission possible to the LPAT hearing. The Concerned Residents Coalition was represented by

- Excellent legal counsel with a record of success in aggregate cases heard by the tribunal;
- Eight excellent expert witnesses;
- Broad-based community support - more than 1400 residents from three municipalities;

- Full support of the Town of Halton Hills and Halton Region.

The prescribed LPAT adjudication process which CRC followed, promised a full and fair hearing. **But our experience demonstrates that the Provincial statutory, regulatory and policy framework is designed to prefer the profits of companies that mine aggregate over the integrity of the local community and ecosystem.**

Mayor Bonnette of Halton Hills recent comment to the media is an accurate assessment of the problems with the LPAT system. "I'm extremely disappointed. I feel we simply weren't listened to by the Local Planning Appeal Tribunal. There's no sense in appealing to the LPAT. They're just going to support development."

There is still time to stop the Hidden Quarry

JDCL must show compliance with a number of conditions before final approval by John Yakabuski, the Minister of Natural Resources and Forestry.

CRC will do everything possible to make John Yakabuski, Minister of Natural Resources and Forestry stop the Hidden Quarry.

The Minister must reject the LPAT interim decision on the Hidden Quarry and intervene to protect the water, the environment and our community for generations to come.

Support an immediate Moratorium on the Hidden Quarry and all Aggregate Applications in Ontario

The Hidden Quarry decision is a wake-up call to the large number of communities facing an application for a pit or quarry in their community or preparing for an LPAT hearing. Our experience demonstrates that the aggregate application process is designed to favour the corporation, not the community.

The unnecessary destruction of local communities and ecosystems will continue, if this government continues to approve aggregate applications, while there is an already approved 50 to 100-year supply of aggregate from existing pits and quarries.

The Concerned Residents Coalition calls on the Ontario government to intervene immediately and:

- Put the Hidden Quarry decision on hold;
- Impose an immediate moratorium on all quarry applications in Ontario;
- Convene an emergency summit for a comprehensive consultation with all stakeholders on impact of aggregate extraction on integrity of communities and ecosystems.

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