

# LPAT Chair greenlights Hidden Quarry

By: Vivien Fleisher

After seven months, the decision finally came down in the Hidden Quarry fight: James Dick Construction Ltd. (JDCL) was victorious. In a 69-page document detailing LPAT Chair Scott Tousaw's decision, point number one simply stated, "This Decision approves a rock quarry on the north side of Highway 7 in the County of Wellington between the settlements of Rockwood and Acton" while the next relied heavily on the Province's "close to market" criteria that underpinned most of the applicant's arguments, waxing that the quarry would abide by "the concept of assigning risk to the economic endeavour in order to minimize risk to the environment and society." Exactly whose societal risks will be minimized is anyone's guess, since the Concerned Resident's Coalition (CRC) went to considerable lengths and great personal cost to bring to the public's attention the many ways in which both the environment and the community would be adversely impacted by the effects of extensive, sustained blasting below the water table, as well as all the quarrying, trucking and related activities. The cost of their seven-year battle went into the hundreds of thousands of

dollars with some residual debt still to be cleared.

CRC President Doug Tripp shared with supporters in an email that the CRC received the information Tuesday morning. "It is with deep regret that I am bringing bad news regarding the Hidden Quarry adjudication. This morning we received the decision of the Local Planning Appeal Tribunal (LPAT) approving, with conditions, the application by JDCL to excavate the Hidden Quarry in Rockwood. CRC's Board and our legal counsel are reviewing the decision and will follow up soon with a copy of the decision itself and our comments following our Board meeting tomorrow evening. I know that the LPAT decision will be deeply troubling to many in our community, and I can speak for my colleagues on the Board in saying that this news is devastating." The CRC board will issue a collective statement following a meeting on Wednesday.

The conditions Tripp was referring to were in the last part of the decision document, and appear to have been influenced by the hearings last June where legal counsel for CRC, the Town of Halton Hills, Halton Region and the Town of Milton all went before Chair Tousaw along with many expert witnesses who scientifically detailed potential and

in some cases probable impacts on the hydrogeology, etc. of the 61.5 acre site at the corner of Sixth Line and Highway 7 in Guelph Eramosa based on JDCL's initial proposal. Tousaw's decision acknowledged that hydrogeology is almost impossible to predict under such duress, but ruled in favour anyways by setting out 12 conditions, including a road agreement with Guelph Eramosa involving compensation; the establishment of a Community Liaison Committee to be paid for by JDCL; that "trigger levels" be established regarding groundwater levels at Brydson Creek; that Halton Hills is informed annually of JDCL's haul route as it affects the town; that Halton Region is kept informed of all monitoring data; that the De Grandis pond levels are maintained via off-site monitoring with or without landowner permission to access the property; that Halton Region be kept informed as to the quality and quantity of fish in Brydson Creek; that a bat survey be conducted so that any habitat be excluded from the quarry extraction limit; that neighboring property owners be notified of all blasting; and, that when the applicant is finished extracting, the final rehabilitation of the property include functioning wetlands, shallows, or other features dependent on final water level. Once

all 12 conditions meet the satisfaction of the Tribunal, the MNR will be ordered to issue a licence under the ARA, pending MTO confirmation that the necessary approvals and permits have been issued. And then it's full speed ahead.

Guelph Eramosa Mayor Chris White said the township was opposed to the quarry since it is "just not good for us. We're disappointed." He added that the only way the decision could be appealed is through an error in law, which essentially amounts to no appeal. He said the conditions indicate there is "still a lot of stuff to do", especially when it comes to hammering out who enforces what.

Halton Hills Mayor Rick Bonnette was characteristically direct, saying, "It is very disappointing that after a seven-year fight it comes (down) to one person on LPAT deciding the outcome which negatively affects Guelph Eramosa, Halton Hills, Milton, let alone a huge fight by the CRC. All the evidence was ignored." His comments reflect a sentiment shared by many in the community that—certainly where the province is concerned—the profits of a private industry trump the well-being and quality of life of an entire community that fought honourably and intelligently for seven long, expensive years.