

LPAT Hidden Quarry decision: 'It ain't over til it's over'

By: Vivien Fleisher

Though the shocking decision by LPAT Chair Scott Tousaw to rule in favour of James Dick Construction Ltd.'s (JDCL) Hidden Quarry near Rockwood felt like the last word, a careful reading of that decision actually reveals otherwise: a set of conditions that must be fulfilled before their license is granted leaves the door open to the possibility—however slim—that obtaining the coveted license could be in jeopardy. While the zoning by-law went through, granting of the license remains conditional.

The Concerned Residents Coalition (CRC) had planned to have their first community meeting in the wake of that ruling last Thursday at the Eden Mills Community Hall but had to cancel due to the rapidly escalating

COVID-19 situation. President Doug Tripp sat down the next morning to outline the bones of the cancelled meeting, since its far from clear when public gatherings can be rescheduled.

"It was a flawed decision," he began, "and its hard to know where to start with why", adding that the CRC presented a strong technical and scientific case at the hearing last May, and yet the adjudicator stated clearly his preference for JDCL's hydrogeologist over both Halton and the CRC's hydrogeologists without providing any justification as just one example. Tripp said the qualifications of some of JDCL's experts was subjective and were not scrutinized by the adjudicator, but the nature of the tribunal is that even in the face of conflicting evidence the adjudicator must choose. The process over-

all is quite arbitrary in his view. The group feels that the tone of the current government is anti-environment; four LPAT panel members with environmental backgrounds were not renewed recently, while the former BILD (Building Industry and Land Development Association) chair was appointed executive chair. "What is that message?" Tripp asked rhetorically.

Using excerpts from the lengthy decision document, Tripp explained that on their lawyer's advice, the CRC decided against appealing, which involves requesting a review of the decision. That comes with a very high threshold of grounds needed to justify. While it was a long hard decision, the group opted instead to take a political path by initiating a letter writing campaign. Residents upset with

the decision are encouraged to write to Minister of Natural Resources John Yakabuski.

Another area of frustration is the fact that the aggregate industry establishes its own blasting setbacks to protect neighboring communities from flyrock, which could be quite tragic in the case of Hidden Quarry; were the PEO (Professional Engineers of Ontario) to step up and create minimum provincial setbacks such as the 800-meter standard in Nova Scotia, the Hidden Quarry would never see the light of day.

One paragraph they'd planned to highlight at the meeting demonstrates the breathtaking arrogance underlining Tousaw's rationale for approving the quarry: "There is no question that a quarry will result in some disruption to the area during its operation. 20 years is not a

short duration. A generation will grow up during this time when, compared to today, there will be regular blasting and more noise and trucks. And yet in the longer-term horizon, 20 years is short compared to the rehabilitated use of natural areas and ponds that will persist, presumably for centuries. A similar sequence of events unfolded historically in nearby Rockwood." Which is cold comfort considering that the number of years left to mitigate climate change is even less, all at a time when our current climate-change-denying premier rips out built wind farms in the province under the pretense of protecting the little brown bat—the same species at risk on the proposed quarry site, and the protection of which is one of the conditions to be met before an extraction license is granted.