

On Monday, March 10, 2008, Councillor McCarthy met with Ministry of Environment officials. In attendance was:

**Bill Bardswick
Director
Ministry of the Environment
West Central Region**

**Carl Slater
Manager, Technical Support
Ministry of the Environment
West Central Region**

The following written submission was presented by Councillor McCarthy. Also included below is the Notice of Motion respecting the Carlisle Groundwater-based Municipal System that Councillor McCarthy received unanimous support from Council on February 27, 2008, along with the Councillor's "Council Notes" article that appeared in the Flamborough Review last week entitled "Protect, Prevent"., and an [article that appeared in the Halton Compass](#) on March 6, 2008 entitled "[Hamilton Asks Province to Protect Water Near St. Marys Application.](#)"

**Carl Slater
Paul Odom
Water Resources Unit
Ministry of the Environment
West Central Region
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March 10, 2008

Dear Gentlemen,

Thank you for the opportunity to meet. I want to provide you with written documentation so that the community's position and my position, supported unanimously by my Council colleagues, are clear.

The Ministry of the Environment faces a decision about an application for a water taking permit (PTTW) under the Ontario Water Resources Act. St Marys has made an application to the MOE to allow testing of a theoretical and unproven mitigation system. This proposed aggregate development should be examined broadly and this specific application must also be considered in the context of source protection planning under the Ontario Clean Water Act.

You have in your records the hundreds of community letters, the formal FORCE submission and hydrogeology report, along with my submissions and comments from my retained hydrogeologist, from November 2006 when the PTTW application was first filed. You are

aware of the community's current postcard initiative where over 1,000 print cards and more than 600 e-cards have been sent to the Premier asking the provincial government to stop the quarry and to protect their drinking water at the source.

On February 27th, 2008, Hamilton City Council unanimously supported my Motion calling on the Provincial Government to:

- a. bring to the attention of the Provincial Government its concerns regarding potential adverse impacts on the Carlisle groundwater - based municipal drinking water system
- b. request the Provincial Government, through the Premier and the Ontario Minister of the Environment, to fully consider the potential ramifications of the proposed development and
- c. before any provincial permits or approvals are issued for the proposed St. Marys quarry, the province should require a formal review by the Halton/Hamilton Source Protection Authority, as part of the local source protection planning process.

I have attached a copy of the full motion as approved for your information and I have included copies of recent newspaper coverage in the Halton Compass and the Flamborough Review.

The water taking permit application is the first time the Province has a decision point which allows it to look at this full proposal and its appropriateness, especially in the context of source protection planning.

You might think this issue is about a short term test to get some data. In my opinion we need to go back to first principles. What is mitigation? Mitigation is making unacceptable impacts less bad. We have to ask if we should be allowing these unacceptable impacts to occur in the first place.

* Knowing that the Carlisle groundwater-based municipal drinking water system has a well documented history of both quantity and quality problems and the knowledge that St Marys own consultants have written that there would be unacceptable impacts from the quarry, without mitigation, boggles the mind that this test and this development would even be considered.

* There have been local reports of dumping and contaminants on and around the proposed site, including MOE's own files which clearly identified huge contamination spanning the past 40 years up to and including this decade and located only 2.7 kilometers away from the proposed site and which could pose a mobilization risk upon significant drawdown.

* Hamilton Public Health department is on record as having serious concerns with this testing and it conveyed those concerns and outstanding requirements using a rarely used section of the Health Protection and Promotion Act because the concern is that significant. The proponent still has considerable work to do to satisfy those concerns and this only diminishes the risk.

* This is a theoretical and unproven mitigation system. We do not have documents and long term monitoring results showing that this specific system has worked in this specific type of setting anywhere else. Fractured limestone is one of the most challenging and least predictable environments in which to work when it comes to groundwater flows and impacts.

* We are living in a post-Walkerton world. There are new laws – like the Ontario Clean Water Act and the Safe Drinking Water Act - in place to help establish a multi-barrier

framework to prevent and stop water quantity and quality problems before they happen. The Ministry's own technical experts committee felt that quarries were a land use of provincial concern and called for no new quarries within the 5 year time of travel to municipal wellhead protection areas. This proposal falls within the 2 year time of travel. The Halton/Hamilton Source Protection Authority and its Source Protection Committee, which your ministry created, have just started their work. We are supposed to be looking at existing and future land uses which could present a risk to drinking water sources.

- * Water resources are supposed to be given extra protection under the Greenbelt Plan as well. And there are Provincially Significant Wetland complexes, significant woodlands, and the tributaries of Bronte Creek on site.

- * The Environment Commissioner of Ontario in his 2006-2007 Annual Report wrote about the St Marys proposed quarry. He has called on the province to reconcile its conflicting priorities between aggregate extraction and environmental protection and to screen out proposals which conflict with clearly identified natural heritage and source water values.

- * There are clearly conflicting neighbouring land uses, as well. This is a residential area which is quite dense in terms of population along the concession for a rural area and there are sizeable subdivisions built near the property. Look at how close Stonebrook is to the proposed quarry. This is also a farming area with land that is supposed to be protected under the Greenbelt Plan. And, there are 2 elementary schools located just one concession south and their school buses would be forced to share the country roads with large dump trucks hauling aggregate 1100 truck trips per day.

Issuing a PTTW, even if you try to position it as a test, not the full scale quarry, is the first step on a slippery slope to threatening all of that.

Since you invited me to meet to discuss a public meeting, I want to provide you with my perspective on that topic, reiterating again the position that the water taking permit should not be issued without due consideration of the full development and should not be issued in advance of the local source protection planning process.

Here are my views:

- * A public meeting, if held, should be part of the consultation process on the water taking permit. It should not just be used to inform the community of a done-deal.

- * A draft water taking permit with its conditions should be posted on the Environmental Bill of Rights Registry for 30 days.

- * The community and relevant agencies should be provided with all relevant background data, including such things as

 - o documents and monitoring data supporting St Marys recent claim that this specific mitigation system in its entirety has been used in Ontario and elsewhere in the exact same geologic conditions

 - o updated data results from predictive groundwater flow modeling

- * Proper public notice to the community should be given. A minimum of 2 weeks notice is appropriate and up to 4 weeks is ideal when we consider families' busy professional and personal schedules, especially around statutory holidays and vacation periods.

- * An appropriate and accessible public venue, such as one of the local schools, should be used. Attendance should be expected to be high. For my public meeting on this proposed quarry and for City update information sessions, we drew in the order of 500 people. These

numbers must be accommodated. Visuals need to be able to be seen by everyone and the audio should be of suitable quality so that everyone can hear.

* There should be equal time presentations for St Marys, MOE, the City/CART, and FORCE. As the local councillor, I would expect to be allocated speaking time, as well.

* There should be a question and answer session of meaningful duration, i.e. at least one hour, following the presentations.

* All media should be allowed access to the public meeting.

Thank you again for the opportunity to meet. We have come a long way on the path to prevent further tragedies since the Walkerton inquiry with Justice O'Connor's recommendations of precaution and prevention. Legislation has been written in order to implement those recommendations – including the Clean Water Act and the Safe Water Drinking Act. Now is the time to adhere to that legislation and protect Carlisle's water and that of surrounding residences. The entire community, and Council, expects that legislation to be adhered to and implemented, and the entire community and Council will accept nothing less.

Yours sincerely,

Councillor Margaret McCarthy