

From: McCarthy, Margaret
Sent: Thursday, June 11, 2009 10:20 AM
To: 'Dalton McGuinty'
Subject: EBR Concerns with Respect to Aggregate Resource Act Applications

Dear Premier McGuinty:

As you know St. Marys Cement has submitted to the Ministry of Natural Resources an aggregate license application to establish a new quarry in Flamborough and that the end of the formal public notification period is over.

What you may not be aware of is that Hamilton, Milton, Halton Region, and Burlington Councils along with both Hamilton and Halton health departments have all advised the Ministry of Natural Resources that they object to the Aggregate Resource Act license. The Ministry of Environment has also indicated that they object to the license application, along with several other boards and agencies. In fact it is my understanding that of the approximately 1,000 submissions made, no one who has reviewed and evaluated the application has been in support of the proposed quarry or aggregate license.

Notice of the Aggregate Resource Act application was posted on the Environmental Bill of Rights site and many residents provided their objection to the St. Marys Cement application through that posting. It has now come to my attention that upon following postings on the Environmental Bill of Rights site, there is a lack of clarity for residents to understand how applications are handled by the applicable Provincial ministry.

In particular, it is extremely difficult to ascertain real information regarding the particulars of an application and in particular who has opposed an application and for what reasons the application is being opposed. My specific concern is that for those individuals who have taken the time to submit an objection letter to MNR on St. Marys ARA application, it appears that the Ministry of Natural Resources is not providing the appropriate information on the EBR site to allow reasonable analysis of many reasonable questions about the licensing process. It is difficult to determine from the EBR site which applications were opposed by commenting agencies, and the reasons for the objections, because of the ambiguous language used by the Ministry of Natural Resources in reporting on license decisions. Most of the time, MNR refers to "letters of comment" having been received from commenting agencies, but the Environmental Bill of Rights site does not provide a consistent description or commentary if the objection letters identify any concerns with the proposal. In fact, it is my understanding that MNR rarely uses the word "concern". So one is left with the impression that concerns or objections are only expressed by adjacent landowners, not by governing Councils, Health departments, other ministries, boards or agencies. (Reviewing the site for specific context as to who, and why, objections are listed comes up empty and only lists concerns that appear to be expressed by adjacent property owners.) Based on my review of EBR postings related to ARA applications, I was only able to identify a few cases in which the Ministry of Environment or the Ministry of Natural Resources was said to have expressed concern. One of them stating that the MNR had assisted the proponent in mitigating concerns to the satisfaction of the MOE and the licence was granted, as was the case in the others.

As I previously stated to you the Ministry of Natural Resources own records point to them virtually approving all aggregate license applications in their care. Now my recent findings have lead me to believe that there are two troubling problems with the Ministry of Natural Resources.

o One being that an evaluation needs to take place at the Provincial level to inject some fairness and integrity into what clearly is a one sided battle with all the ammunition decidedly in favour of the applicant; and,

o Secondly the need to impose a more open and complete evaluation history on licenses that are posted on the EBR, and thus more in the spirit implied by the Environmental Bill of Rights.

Sincerely Councillor Margaret McCarthy

Flamborough Councillor Ward 15

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