

# Dufferin Quarry hearing closes, decision awaited

By JENNIFER ENRIGHT

A director from Protect Our Water and Environment Resources (POWER) says her organization as well as The Coalition on the Niagara Escarpment (CONE) will fight a decision on a proposed extension of Dufferin Aggregates' Milton quarry if the proposal is approved.

Barbara Halsall, who is a past president of POWER, believes the proposal will be rejected. But, if the outcome is unfavourable to her organization and CONE, then the two groups plan to launch an appeal with the Province to see about reversing the decision.

The application is presently before a joint board comprised of one representative from the Ontario Municipal Board (OMB) and one representative from the Environmental Review Tribunal (ERT). The two board members listened to hours of testimony at the hearings and now they will be working to arrive at a decision on the application. No date has been set as to when a decision will be reached.

The OMB is an independent tribunal that deals with aggregate licences as part of its role and the ERT is a quasi-judicial body that adjudicates applications and appeals under various environmental and planning statutes. Board members for both tribunals are appointed by the Province.

Both POWER and CONE obtained party status at a lengthy hearing on the quarry's proposed extension that lasted 65 days and included six days of final arguments.

Ms. Halsall believes POWER and CONE made a strong case against the proposal, noting that they are "hopeful that the hearing officers will turn this down."

However, Dufferin Aggregates Property and Resource Manager Sarah Lowe, says her company is "satisfied that the Board has everything it needs to make a positive decision." In a press release, Dufferin noted that the application is supported by the Niagara Escarpment Commission (NEC), the Towns of Milton and Halton Hills, Halton Region, Conservation Halton (CH), and the Ministry of Natural Resources (MNR).

According to CONE's website, the area in which Dufferin Aggregates intends to expand is within a "provincially significant area of natural scientific interest and wetland complex." The area proposed is an 83-hectare site north of the existing quarry. Part of the property lies outside the Niagara Escarpment Plan Area (NEP), with another section of it coming under the NEP designated as escarpment rural.

Both Ms. Halsall and Bradley Shaw, the executive director of CONE, say the extension would bisect what is intended to be a continuous natural environment as outlined in the NEP. And they noted that the area is part of a wildlife corridor that includes the Jefferson salamander, a nationally and provincially threatened species.

Ms. Halsall stressed that the proposal ignores the purpose of the NEP and that any quarry at that site would radically alter the existing environment. As well, she believes the extension, if approved, will set a dangerous precedent. "They (Dufferin Aggregates) will

be mining close to wetlands and headwaters. And they'll be using an experimental system to put water back into the ground. What about other wetlands in Ontario?"

Mr. Shaw questioned the effectiveness of checks and balances that he found in the written proposal calling the language "too ambiguous." However, Ms. Lowe stressed that Dufferin is subject to stringent monitoring. "An unusual aspect of the application is the presence of two legal agreements with the Region of Halton and Conservation Halton, which

provide additional controls by these agencies and add protection to the natural environment."

Dufferin, as part of its application, is required to maintain a water management program and to continuously monitor the site using an adaptive management plan. Jane Clohecy, the Region's director of planning and transportation, says Dufferin's progress will be closely monitored at every stage and if water levels go below an acceptable level then Dufferin will have to cease its operations.

**"THE BOARD HAS EVERYTHING IT NEEDS TO MAKE A POSITIVE DECISION"**



PHOTO BY JENNIFER ENRIGHT

Dufferin Aggregates is proposing to build an extension to its quarry located off Dublin Line in Milton. A joint board, comprised of one member from the Ontario Municipal Board and one member from the Environmental Review Tribunal, is studying Dufferin's application. But no date has been set as to when the board will arrive at its decision. Two environmental groups, POWER and CONE, are opposing the application to expand the quarry.

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