

The key document that specifies how a quarry is to be operated is the Site Plan

I think we need to define our relative positions here. The original Site Plan was developed in 1972 (or thereabouts) at a time when Burlington's population was approximately 90,000 - the population of Burlington is now estimated to be around 185,000 to 190,000 in 2017 - in other words there has been significant growth not only in population but also in the associated infrastructure – homes, businesses, education and faith based institutions, etc. and all that goes with them traffic, noise, pollution, congestion, increased tax base, etc.

In this regard, the TEC strongly believes that, over time, new factors, for example, medical advances, updated ecological considerations, environmental findings, cancer concerns, health issues, overall well-being, etc., may emerge that make a previously accepted decision become TOTALLY unacceptable in the 'here-and-now' world of today (a good example of this re-evaluation process is the annual closing of King Road for salamander migration - a decision that was directed in 2012 based upon updated endangered species findings – the Jefferson Salamander).

Other examples of updated legislation resulting from updated information are the many laws and by-laws that limit public smoking; the compulsory use of seat belts; stricter drinking and driving laws; noise abatement; cancer awareness due to industrial pollution; car emissions and the green house effect; environmental (tree / water) protection; etc. - and, as you can imagine, the list goes on and on! In another pertinent example, the Councillors in Oakville passed a Private Tree Protection by-law (remember the 9,000 trees Forterra will decimate for the quarry):

"The by-law was adopted by Council to support a greener community and a healthier environment. It exists to preserve significant trees on all private properties within the town and to sustain Oakville's urban forest. The town recognizes the ecological and aesthetic value of trees and would like to reduce the destruction and injury of trees, particularly large trees and trees of heritage interest."

Oakville went even further with a 'Health Protection Air Quality by-law':

"The town's (Oakville) new Health Protection Air Quality bylaw puts air-polluting industries on notice that the Town may not be a welcoming new home. It also makes Oakville the first Ontario jurisdiction to regulate fine particulate matter."

*"Under the new rules, Town Councilors will have the right to reject incoming new industries judged to be major emitters of pollutants that cause unacceptable health impacts. The Town will also be able to deem **existing industries and facilities that are major pollution emitters as "public nuisances"** and refuse them approval to continue to operate unless they cut emissions."*

Succinctly, situations, circumstances, and by-laws can dramatically change based upon information that was not available when the initial decision was made – it's called evolution and it is an educated and ongoing progress. For Forterra to consistently quote and try to justify their position based on outdated 'grandfathered' arguments whilst not considering the volumes of updated information that would seriously question that position is tantamount to living in the past, ignoring reality, and becoming the proverbial ostrich!

The removal of an estimated 9,000 trees (nature's natural filter) and the emergence of an urban quarry **SO** close to the high-density Tyandaga community does, in our view, verge on recklessness and certainly demands an URGENT re-evaluation - times have changed and so must we – it's called progress. The possible long term effect of shale / silica dust (viz., silicosis) is well understood and the symptoms may not develop until **5, 10, or even 20 years** after the initial exposure – surely this must be a cause of concern for potential litigation. To 'hang your hat on a statement' that there have been “...*no reported health incidents related to shale dust*” is, in our view, indefensible, self-serving, and naïve and ignores ALL the relevant literature - including your own industry publications that would point in a different direction and lead to a totally different conclusion.