



November 24, 2017

Sent via e-mail to mayor@burlington.ca

Mayor Rick Goldring
Burlington Mayor's Office
426 Brant St.
Burlington, ON L7R 2G2

Dear Mayor Goldring,

**Re: Tyandaga Environmental Coalition Inc.
Concerns with Meridian Aldershot Quarry Expansion**

We represent the Tyandaga Environmental Coalition Inc. ("TEC") regarding the proposed Meridian Brick ("Meridian") shale extraction at the Aldershot Quarry location.

November 16, 2017 was a landmark day for TEC and the community.

First, Donnelly Law filed on behalf of TEC a Request for Review ("Request") per Part IV of the *Environmental Bill of Rights, 1993*, requesting an investigation into the site plan for Meridian Brick and need for potential amendments, based on expert and other evidence that would protect all sensitive flora, fauna and habitat on site. The Request also seeks a Regulation to be issued under section 47 of the *Planning Act*, to establish a Minister's Zoning Order ("MZO") prohibiting future industrial land uses on the site.

The key expert recommending this Request and protection of the site is Mr. Gord Miller, MSc. and former Environmental Commissioner of Ontario. During his tenure, Mr. Miller processed approximately 600 EBR Requests for Review. Mayor and Council are very familiar with Mr. Miller. His experience, expertise and unequivocal support of TEC's request should be considered extremely carefully by Council, and must surely lead to a conclusion the Request is necessary for Burlington.

This letter represents TEC's respectful submission that City Council must now consider this EBR Request in the context of a formal Resolution of Council and vote to endorse it.

This Council Resolution should be followed up with a request to Halton Region to consider its own endorsement of TEC's Request.

Second, TEC organized a public meeting attended by approximately 150 residents. Speakers addressed air quality threats posed by shale extraction, and the fact that southern Ontario has large shale deposits elsewhere nearby.

Ms Sarah Harmer asked Council to save the trees, salamanders and habitat on the Meridian property.

And then, the audience was offered an opportunity to send a message to Council through a vote on what should be contained in a future Council Resolution.

The clauses put to the audience on November 16, 2017 were:

1. That Burlington endorse TEC's proposed MZO and Request for Review to allow for the permanent protection of the site, or at the very least the required three-year salamander survey work;
2. That Burlington and the Halton Medical Officer of Health seek peer reviews of all Meridian's technical studies, to be paid for by Meridian; and
3. That Burlington commission immediately a Stakeholder Design Charette exercise to explore sustainable rehabilitation and development solutions across the entire Aldershot Quarry site.

As captured by media present, the entirety of the audience roared its approval. Not a single voice was opposed.

Apart from time, the only resources needed from Council to grant TEC's request is 85 cents for the postage stamp to mail its Resolution to Queen's Park.

We reiterate for your consideration the inexplicable failure of Meridian to accommodate even the meagerest of requests from their neighbours.

My client continues to disagree with the City's opinion that the April 1999 Subdivision Agreement, Schedule 6, Clause #6 between Jannock Ltd. and the Region of Halton required a warning on title of future extraction. The wording clearly says "The following warning clause shall be registered on title and included in all development agreements and Offers of Sale and Purchase or Lease of all lots." [emphasis added]

Hundreds of home buyers, their real estate agents and real estate lawyers were fooled by the warning clause being buried so deep in registration of the subdivision agreement. Residents look to Council to decide what is fair, and not just acceptable to the letter of the law.

In the past, Meridian’s legal counsel has advised TEC of the following, extraordinary positions:

- No consideration is being given to progressive clear-cutting of approximately 9,000 trees (since modified slightly);
- Complying with the *Endangered Species Act, 2007*, administered by the Ministry of Natural Resources and Forestry, is “voluntary”;
- Meridian will not even consider adopting the Cornerstone Standards Council’s “CSC” Socially and Environmentally Responsible Certification at the Aldershot Quarry;
- Site access for TEC experts has been repeatedly denied;
- Meridian admitted no archaeological assessment has ever been undertaken on the site, and stated flatly there is no duty to consult First Nations regarding potential impacts from quarrying;
- Requests were made to share technical reports regarding on-going borehole drilling and groundwater monitoring. The re-location of Indian Creek is a concern for residents; however, there was no willingness to share the mitigation strategy being proposed for altering this significant watercourse; and
- Dust deposition and air quality concerns were a significant issue for residents in past summers. Both extraction and plant operations are potential sources of airborne particulate. Meridian was asked if on-going air quality monitoring reports would be disclosed, as the public has a right to know what is being released into the neighbourhood. Meridian would not answer the question what, if any, monitoring was on-going, and refused to divulge reporting requirements. The Certificate of Approval (Air) per the *Environmental Protection Act* was issued by the then Ministry of the Environment over 15 years ago, and is repeatedly not available online for public review.

On its website, Meridian proudly states, “Meridian Brick has always strived to be – and will continue to strive to be – a good corporate citizen.”

And yet, less than one week from its next public meeting, this is what the website says about critical air quality studies requested by TEC, “Currently, Meridian Brick is working to conduct an updated dust and toxicology study.” Releasing this study during a public meeting is not conducive to a respectful dialogue.

Why won’t the City at least request Meridian to adopt CSC Certification?

TEC requests a meeting with you and City Staff to discuss moving forward with a strategy to preserve an important component of Burlington's natural legacy and the Greenbelt.

Concretely, this means producing a Resolution to Council endorsing TEC's EBR Request, and initiating a landscape design process to endure a win-win for all concerned, including Meridian.

Please do not hesitate to contact me at 416-572-0464, or by email to david@donnellylaw.ca, cc'ing sara@donnellylaw.ca should you have any questions or comments concerning this correspondence.

Yours truly,

A handwritten signature in blue ink, appearing to read 'D. Donnelly', written over a horizontal line.

David R. Donnelly

cc: R. Webb
G. Carr
R. Craven
M. Meed-Ward
J. Taylor
J. Dennison
P. Sharman
B. Lancaster
M. Dokis
L. Lesage
T. Cowie
D. Mowat
F. Sault
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