

Concerned Citizens Of Brant

738 Watts Pond Road,
Paris, Ontario,
N3L 3E2
519-442-2814
info@ccob.ca
www.ccob.ca



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MEDIA RELEASE

Tribunal Grants Brant Citizens Leave to Appeal Certain Environmental Conditions for Paris Pit; Rejects Government Bid to Have Leave Decision Reconsidered

Concerned Citizens of Brant and the County of Brant have been granted leave to appeal certain conditions of both a water-taking permit and an environmental compliance approval issued to CRH Canada Group Inc. for the Paris Pit, and have also successfully resisted a government attempt to get the Environmental Review Tribunal to reconsider its decision granting leave.

A late March 2016 52-page decision of a panel of the Environmental Review Tribunal, granted CCOB and the County of Brant leave to appeal certain conditions in two licences granted CRH Canada that were issued by the Ontario Ministry of the Environment and Climate Change. The licences would have allowed the company to take water for its aggregate washing operations from an area close to the well-head protection area of the Paris drinking water supply, and establish sewage works for the management of water taken.

The Tribunal decision, in granting CCOB and the County leave to appeal certain of the conditions in both licences, held that it appeared there is good reason to believe no reasonable person, having regard to relevant law and to any government policies developed to guide decisions of this kind, could have issued these conditions and that it appeared this could result in significant harm to the environment.

However, in mid-April 2016, the Ministry brought a motion seeking to have the decision granting leave reconsidered. But a different panel of the Tribunal rejected this government bid in a 59-page decision released in June 2016 holding that it was not advisable to reconsider the decision of the Tribunal granting leave. The review panel noted that there was nothing unfair or materially in error in what the leave panel had decided in granting leave to CCOB and the County to appeal certain of the environmental conditions in the two licences. Furthermore, the review panel noted that applications for leave to appeal environmental licences are often brought by citizens groups with limited resources and that granting the Ministry's motion would have added another stage in the litigation and detract from the access to justice and public participation goals of the province's environmental bill of rights law.

The results of the two Tribunal decisions allow CCOB and the County to now present their full case and seek a decision on the merits of the environmental licence conditions before a panel of the Tribunal, probably in the Fall 2016.

For further information contact:

CCOB 519-442-2814, info@ccob.ca ; or

CELA 416-960-2284, ext. 7218 (Joseph F. Castrilli) or 7217 (Ramani Nadarajah) – lawyers for CCOB