

Nichols Gravel Limited

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**Return to MOE Negligence
Document**

October 25, 2000

Haldimand-Norfolk Brant M.P.P
Mr. Toby Barrett

Dear Sir:

This letter is in further reference to our conversation a few weeks ago in respect to the complete lack of cooperation by the Ministry of the Environment regarding our application for M.N.R. Quarry extraction license at Hagersville.

At this point we are partly through an onerous and expensive Ontario Municipal Board Hearing which I believe *could have been avoided had it not been for the uncomplimentary negative review by Mr. Simon Gautrey and signed by Barbara Ryter, which served to inflame the negative attitude of area residents to this proposed quarry.* Our company now has to fund this expensive hearing against the Rural Coalition represented by lawyer Brian Duxbury consisting of residents and farmers in the area, as well as the politically correct City of Nanticoke in this election year represented by lawyer Keith Jones.

Through various ongoing discussions and negotiations between consultants and lawyers in an attempt to resolve issues we have agreed to costly mitigation measures to address speculative assumed impacts, to the extent that this entire application is now on the verge of becoming counterproductive to a viable commercial quarry operation. In other words we will almost need a full time consultant to address mitigation measures which most likely won't be required, placing an unnecessary burden of cost on this small operation.

The two primary concerns at this point are storm water management due to dewatering into the Harrop drain, and ground water supplies for domestic consumption, both of which come under Ministry of Environment regulations and approval.

It would seem at this point that an agreement may be made between Nichols Gravel, the residents, and the City subject to approval and issuance by M.O.E. of the permit to take water with the O.M.B. granting conditional approval under a "H" holding clause both on the rezoning and the issuance of the M.N.R. pit license removal of the "H" to become effective upon the issuance by M.O.E. of the permit to take water.

With such an agreement, it becomes quite obvious that we must have complete cooperation from the Ministry of Environment in respect to bringing this operation on

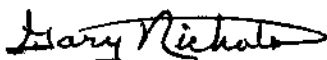
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stream as quickly as possible. This application process started in 1997. We now have a major investment in the property of approximately \$700,000 dollars with the cost climbing at this hearing at the rate of \$700.00 per hour. Therefore it is imperative that we have all approvals in place for April 2001 startup.

I am completely disgusted with this time consuming and costly burdensome O.M.B. process whereby our costs for this hearing alone are approximately \$200,000 with further mitigation work on site in order to get agreement of another \$100,000.00. With this process in a few short years the monopoly of the aggregate industry in the Province of Ontario will be complete, and there will be no small operators such as this 57 year old business, and it will be totally controlled by Multi-National companies such as LaFarge and Blue Circle.

As stated previously should this application fail to gain approval, or fail to proceed as a result of negligent misconduct of Ministry of Environment staff, our company shall proceed with legal action in order to recover our costs and losses.

Yours sincerely,



Gary Nichols, President
Nichols Gravel Limited