



NELSON AGGREGATE CO.

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MEDIA RELEASE

Nelson Aggregate Very Encouraged by Joint Board Decision

BURLINGTON - November 3, 2009 - The Consolidated Hearings Board panel (Joint Board) in its decision released October 29th 2009, has ruled against most of the issues brought forward by the City of Burlington in its motion to the Board. The motion was brought forward by the City in July 2009 and the Board heard submissions from all parties over the course of a 3 day hearing.

“The issues raised in the City motion would have significantly delayed the hearing process. We believe that the Board has clearly set out the issues that will be considered and we can now move forward to the commencement of a hearing” said Norm Elmhirst, president of Nelson Aggregate Co.

Elmhirst stated once again that it is the company’s desire to work with councillors and staff to resolve issues. “I’m very confident that if we can have meaningful discussions with the City and Region, we can resolve a lot of the issues and reduce the legal costs to both taxpayers and Nelson of engaging in a prolonged hearing. So far, neither the City nor the Region has been willing to engage in meaningful discussion.”

Nelson’s argument to the Joint Board was that the City and Niagara Escarpment Commission were trying to delay and confuse, rather than to clarify the pending hearing and that the motions by the City and the NEC would require that Nelson’s application be treated differently than all previous applications for quarry expansion and inconsistently with the process agreed to by the parties over the five years of consultation on the issue.

From a legal perspective, the Joint Board ruled against the City of Burlington that had requested:

- That the 2005 Provincial Policy Statement should apply
- That the Board should consolidate the existing quarry into the application
- That the Consolidated Hearing Regulation should be amended, and
- That the Water Taking and Water Discharge permit applications should form part of the proceedings

The Joint Board did, however, decide that the 2005 Niagara Escarpment Plan should apply to the proposal. In addition, the NEC asked the Board to find that several additional development permits would be required under their Act. The Board declined to do so based on the fact that insufficient information had been provided to support the assertion. The NEC has been given additional time to provide the information.

"I am very encouraged that the Joint Board agreed with the position put forward by Nelson, and rejected the Burlington position in 4 of the 5 issues," Elmhirst said. "We believe that these were tactics to delay the hearing through procedural impediments. Together we can save a lot of taxpayer's money if the City and Region would just sit down with us and resolve issues, which they have thus far refused to do."

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Nelson Aggregate Co., www.nelsonaggregate.com, was formed in 1983 and is a partnership between Lafarge Canada Inc. and Steed and Evans Holdings Inc. Nelson offers quarry, sand and gravel and asphalt products, which are used extensively in Sewer and Watermain Construction, Road Construction, and in Commercial and Residential Construction. Nelson's locations are strategically situated in Lincoln, Burlington, Cambridge, Orillia and Oneida to serve the southern Ontario market. A major contributor to the local and regional economy in which it operates, Nelson Aggregate is a recognized industry leader for best practices in aggregate operations, environmental management, rehabilitation and community relations.

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