

## Success at the OMB – Board turns down asphalt plant in residential area; agrees with residents on quarry setback

October 30, 2015

**Toronto:** On October 27, 2015, the Ontario Municipal Board (OMB) released a decision denying Miller Paving Limited (Miller), a quarry operator, permission to install a permanent asphalt plant at its **limestone** quarry in the Ottawa Valley Township of McNabb/Braeside. The Board also ordered Miller to provide a 300 meter setback from the proposed quarry expansion and the neighbouring properties.

Friends Addressing Concerns Together (FACT- MB), a local citizens’ group, had opposed the installation of the permanent asphalt plant. FACT- MB had also sought a 300 meter setback from neighbouring residents’ property and the proposed quarry extraction area. During the month-long hearing before the OMB, many FACT-MB members testified that they had endured serious noise and odour impacts for many years from a portable asphalt plant that had operated on the Miller property. Despite repeated complaints to government officials, their concerns had gone largely unaddressed.

**“We are ecstatic that we won the hearing and eternally grateful for CELA’s work on this case.”**  
said Norma Moore, with FACT-MB.

“The Board’s decision underscores the importance of ensuring that industrial operations which have the potential to cause serious adverse impacts are not located in close proximity to residential homes,” said Ramani Nadarajah, counsel with the Canadian **Environmental** Law Association, which represented **FACT-MB**. “The decision is a win for the residents and the environment.”

“It is clear that the Board recognized some of the fundamental deficiencies with the proposal to build a permanent asphalt plant,” said Richard Lindgren, counsel with the Canadian Environmental Law Association. “We are pleased that the Board accepted the FACT-MB’s experts’ evidence on many of the key issues in this case.”

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